

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI**

I.D. NO. 124/2022

Sh. Kamal Kumar, S/o Sh. Malkhan Singh,
R/o- D-216, Kusumpur Pahadi, Vasant Vihar,
New Delhi-110057.

VERSUS

1. The Chancellor,
Jawaharlal Nehru University,
(Central Library Branch),
New Mehrauli Road, New Delhi-110067.

2. **Max Maintenance Ltd.,**
C-05/99-100, New Kondli Mayur Vihar,
Phase-III, New Delhi-110096.

AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that he was initially employed by M/s. Vayudoot Security Services Pvt. Ltd. w.e.f. 17.01.2015 as Safai Karamchari and he was placed at the center for Historical Studies, however the proprietor of M/s Vayudoot Security Services Pvt. Ltd. manipulated the service records of the workman in such a manner which appears that he had resigned from erstwhile employer and joined the management and joined the management no. 2 w.e.f. 01.08.2016, though no letter of management was

ever issued to the workman by the management no. 2. The last drawn wages of the workman were Rs. 10,400/-. He had worked from 17.01.2015 to 08.10.2021 continuously, flawlessly with the entire satisfaction of his superior and no adverse remarks ever reported against him. Management denied the statutory benefits i.e. Letter of appointment, Minimum Wages, Wages Slips, Attendance Card, Leave Book etc. and when the workman used to raise demands for having extended the statutory benefits to him, but all the efforts gone in vain. The proprietor under the management no. 2 withheld the earned wages of the workman along with other co-workers from October 2020 to December 2020 without any cause of action and when all the workmen in a consorted manner approached the higher authorities under the management no. 1 for the release of earned wages. Workman had also made a written complaint against proprietor for not releasing wages. Due to pendency of written complaint before the higher authorities, the proprietor of the management no. 2 got irked upon the workman and terminated the services the workman on 08.10.2021 without any cause of action or notice. The termination without comply the provisions of Section 25F of the Industrial Dispute Act amounts to wrongful termination which is void ab-initio. He submitted a demand notice on 10.08.2021 to the higher authorities under the M-1, but they did not consider the demand notice. He had filed a complaint against both the managements before Assistant Labour Commissioner (C), Jeevan Deep Building, New Delhi, but due to indifferent part of the management, no settlement could be arrived at between the parties. Hence, he filed the present claim with the prayer that he be reinstated in services along with full back wages.

M-1 had filed the written statement. He denied the averment made in the claim statement. He also submitted that there is no employer employee relationship between the workman and the Answering Management No. 1, and on the contrary the workman has admitted that he was the employee of Management no. 2, hence, the present claim is liable to be dismissed qua the management No. 1. Management No. 2 was proceeded ex-parte on 20.02.2023.

After completion of the pleadings, following issues have been framed on 20.11.2023 i.e.

1. Whether there is employee and employer relationship between the workman and management.
2. Whether the termination of the workman is legal and justified.
3. Relief if any.

Now, the matter is listed for workman evidence. Workman is not appearing since long to substantiate his claim, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

Date: 28.01.2025

ATUL KUMAR GARG
Presiding Officer.
CGIT-cum-Labour Court-II