

Government of India
Ministry of Labour & Employment,
Central Government Industrial Tribunal-Cum-Labour Court-II, New Delhi.
Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-I, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 232/2021

Date of Passing Award- 28th Feb.,2023

Between:

Shri. Amit J, S/o Sh. Jeevraj Singh,
R/o C-61, Amrit Nagar, Near Bhatia Mor,
Gagan Enclave , Ghaziabad-201001.

Workman

Versus

1. Election Commissioner of India,
Nirvachan Sadan, Ashoka Road, Pandit pant Marg,
Sansad Marg Area, New Delhi- 110001
2. NICSI,
6th Floor, Hall no. 02 &03 NBCC Tower,
15-Bhikaji Kama Place, New Delhi-110066
3. Sliver Touch Techonologies Ltd.
1st Floor Rishyamook Building, 85-A, Panchkuian Marg,
Sec.-C, Gole Market, New Delhi-110001

Managements.

Appearances:-

None for the Claimant .

Ms. Hemlata Gupta, Ld. A/R for the Management no. 2

None for the management no. 1 and 3.

A W A R D

This is an application filed u/s 2- A of the ID Act by the workman against the managements praying a direction to the managements to reinstate the workman into service with full back wages and all other consequential benefits.

Notice being served the mgt. no. 2 i.e. NICS I appeared and filed w/s along with documents. The M1 and M3 did not appear and proceeded ex-parte.

As per the claim statement the management no. 1 is the principal employer and had awarded a contract in favour of management no. 2 for supply of manpower for documentation work. The said management no.2 had given a sub-contract to management no. 3 for supply of the manpower. Hence, the management no.3 M/s. Silver Touch Technology Ltd. had appointed the claimant in the post of documentation expert in the office of M1 on a monthly salary of Rs.26,856/- though the claimant was discharging his duty with all sincerity and under the supervision and control of all the three managements, he was not granted the statutory benefits payable to him. On this account, he was often raising demands. Even management no.3 was not paying him salary regularly. On 23.10.2020 the management no.3 illegally terminated his service under the direction of M1 and M2 at the time of termination neither the provisions of Id Act were complied nor the earned wage was paid to him. Being aggrieved, he raised a dispute before the Labour commissioner. Since conciliation failed he filed the claim petition before this tribunal for adjudication.

On service of notice the mgt. 2 appeared and filed w/s. In the said w/s the mgt. no. 2 has denied the claim advanced and also denied employer employee relationship between the parties. It has been stated that mgt. 2 is a non-profit organization and was only as a facilitator between the govt. Department and the empanelled vendor by flouting tender form time to time. Thus m2 has no knowledge about the claimant having been appointed or terminated from the service of the mgt. no 1 and 3.

The other managements did not appear though notices were sent on repeated occasions. The claimant also did appear on the date fixed. Hence, it is held that the claimant has not dispute against the mgt. and this no dispute award is accordingly passed. Hence ordered.

Order

The application filed under section 2A by the claimant is dismissed as the claimant could not succeed in proving the dispute raised by him.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

Dictated & Corrected by me.

Presiding Officer.
CGIT-Cum-Labour Court.
28th February, 2023.

Presiding Officer.
CGIT-cum-Labour Court.
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