

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI**

**I.D. No. 324/2021**

**Sh. Shailender Singh, S/o Sh. Surender Singh,**

**R/o- House No. 154, Pure Kinnar, P.S. Lala Pur,**

**Tehsil- Bara, District-Prayagraj, Uttar Pradesh-212107.**

Versus

- 1. The Secretary,  
Institute of Chartered Accountants of India,  
ICAI Bhawan, Indraprastha Marg, New Delhi-110002.**
- 2. Sybex Support Services Pvt. Ltd.  
(Formerly Known as Sybex Computer System Pvt. Ltd.)  
A-39, Basement, Dayanand Colony, Lajpat Nagar-IV,  
New Delhi-110024.**
- 3. M4 Solutions Pvt. Ltd.  
SCO-33, Sector-15, Part-I,  
Huda Market, Gurgaon-122001.**

**AWARD  
28.07.2025**

This is an application **U/S 2A of the Industrial Disputes Act (here in after is referred as an Act)** filed by the claimant stating that he was working with the management as Peon w.e.f. 15.12.2015 and his last drawn salary was Rs. 18,462/- per month. He was sincere and hardworking. There has been no complaint against him during his tenure and received appreciations on several occasions from the management. His services were illegally terminated on 01.09.2019. He has stated in his claim that he had been



regularly working in the premises of the management no. 1. His performances were reviewed at regular intervals by the officials of management no. 1 and his salary enhancements were recommended by the officials of management no. 1 and were approved by the higher echelon of the management no. 1. There is no meddling and no interference from the contractors during the tenure of the workman with the management no. 1. But for record purpose, the salaries of the workman were being shown to have been paid by the contractors. As such, a sham contract was created to deny the employer-employee relationship between management no. 1 and the workman. When he reported for his duty, he was informed by the contractor i.e. M-4 Solutions Pvt. Ltd. that his services were terminated w.e.f. 01.09.2019. He has gone to the conciliation, but, it was resulted into failure. Hence, he filed the present claim with the prayer that he be reinstated with full back wages.

Management no. 1 has filed its WS. They have denied the averment made in the statement of claim. They submitted that management no. 1 is a statutory body set up by an act of parliament namely the Chartered Accountants Act, 1949 to regulate the profession of Chartered Accountants under the ministry of corporate affairs, Government of India. They also submitted that claim is not maintainable and liable to be dismissed.

Management no. 2 has filed its W.S. stating that workman is totally misconceived, wrong and is not maintainable for the reasons because the workman voluntarily had already resigned the management on 19.06.2019 and had received his full and final settlement amount after amicably discussion with the management. They prayed that present claim filed by the claimant is being devoid of any merit and liable to be dismissed.

After completion of the pleadings vide order dated 27.02.2023, following issues have been framed i.e.:-

- (i) Whether the proceeding is maintainable.
- (ii) Whether there exist any employer and employee relationship between the claimant and the managements.



- (iii) Whether the service of the claimant was illegally terminated by the management or he had voluntarily resigned from service?
- (iv) To what relief the claimant is entitled to?
- (v) Which management is liable to grant the relief to the claimant and from which date?

During the course of proceedings, AR of the workman submitted that workman is not in touch with him since long.

In these circumstances, when the claimant is not interested in perusing his case, this Tribunal has no option but to dismiss his claim. Hence, his claim stands dismissed. Award is accordingly passed. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. Record of this file is consigned to record room.

Date: 28.07.2025

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