

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

**I.D. NO. 226/2022**

**Sh. Kumar Pal Singh, S/o Sh. Mohar Singh,**  
R/o Village-Meerpur, Post-Wair Badsahpur,  
Tehsil-Sikendrabad, BulandShar, Uttar Pradesh-201002.

Versus

**1. The Commissioner,**

South Delhi Municipal Corporation,  
09<sup>th</sup> Floor, Dr. S.P. Mukherjee, Civic Center,  
J.L. Nehru Marg, New Delhi-110002.

*Appearance:*

*For Claimant: In person.*

*Management: Sh. Manik Ahluwalia, Ld. AR.*

**AWARD**

This is an application **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by workman for his illegal termination. He was working with the management since 15.07.2000 as APD Beldar. He was working sincerely, honestly and with hard working and he never gave any chance to management to initiate any legal action against him. Management has terminated from the service of petitioner in September 2003 without any show cause notice and charge sheet. Workman had visited several times to the office of management/before Executive Engineer M-IV Central Zone, SDMC Lajpat Nagar, New Delhi but, in a negligence manner, management did not reinstate the workman on his duty. Since 2003, workman number of times visited the office of management for his

reinstatement or made orally requested to J.E. namely Sh. Mahi Pal Singh, but all efforts has been in vain till today. Workman had sent the legal notice through advocate to the management on dated 04.06.2019 and another legal notice U/s 80 of C.P.C dated 24/07/2019 sent by workman through his advocate, but management did not give reply of the said legal notices to the workman. He has gone to the conciliation officer, but, it was resulted into failure. Hence, he has filed the present claim.

On 30.04.2024 management has appeared.W.S has not been filed by the respondent. Management AR submits that he has not received legible copy of the claim statement.

I have gone through the record of this case. At that time of proceedings, this tribunal found that this claim petition was filed by the claimant in the year 2022, much beyond the period of limitation prescribed U/s 2-A (3). Before we proceed further, it is necessary to produce the text of section 2-A:

*“2-A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.- [(1)] where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.*

- (2) *Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this act and all the provisions of this act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.*
- (3) *The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1).*

A perusal of the aforesaid section would go to show that a dispute connected with or arising out of discharge, dismissal, retrenchment or otherwise termination of services of the workman can be directly agitated by workman U/s 2-A of the act and it is not necessary that such disputes should be sponsored by the trade union or a substantial number of workmen. However, what is required is that workman who has been

discharged, dismissed, retrenched or terminated as specified in sub-section (1) of section 2-A can make an application directly to Labour Court or Tribunal for adjudication of his individual dispute after expiry of 45 days from the date he has made an application to conciliation officer of appropriate government for conciliation of dispute. Sub-section 3 of section 2-A lay down the time limit for making such application to Labour Court or the tribunal. It provides that such application to Labour Court or tribunal shall be made before expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of services as specified in sub-section-1. This right is available to the workman without any effect upon remedy available in section 10 of the act.

Here admittedly, workman had filed his claim in the year 2022 after more than 19 years of his termination which is beyond the prescribed limit for filing the claim U/s 2(A) of the I.D Act. Hence, claim petition stands dismissed. Award is accordingly passed. A copy of this award is sent to the appropriate government for notification as required U/s 17 of the I.D Act. File is consigned to record room.

Date 28<sup>th</sup> October, 2024

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