

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

I.D. NO. 42/2017

**Smt. Dayawati, W/o of workman Late Sh. Krishna Sharma,
House No. 190, Village- Rampur, Post-Janola,
Haryana, Gurgaon-1222503.**

Versus

1. M/s Delhi International Airport Pvt. Ltd.

**Represented by Sh. I.P. Rao, CEO,
New Udaan Bhawan, IGI Airport Terminal-3,
New Delhi-110037.**

2. M/s Akansha Global Logistics Pvt. Ltd.

(old name-M/s Akansha Enterprises)

**represented by Sh. Vinod Kumar Anand, A-2nd Floor, Road No. 6, Near
Hotel Landing view NH8,
Mahipalpur Extn. New Delhi-110037.**

Appearance:

For Claimant: None

*Managements: Sh. Manish Sehrawat, Ld. AR for M-1 i.e. DIAL.
None for management-2.*

AWARD

The appropriate government had sent the reference referred dated 11.09.2017 to this tribunal for adjudication with the following words.

“Whether the action of the management of M/s Akansha Global Logistics Private Limited (old name M/s Akansha Enterprises) in terminating the services of SH. Krishna Sharma S/o Late Panna Lal Sharma without settling his legal dues viz. wages, leave

encashment, bonus, retrenchment compensation notice pay, gratuity is illegal and unjust? If so, what relief he is entitled to and what directions are necessary in this regard.”

After receiving the reference, both parties were given notice. On behalf of the claimant, his wife had filed the claim statement because in between claimant was expired. Wife of the deceased workman in her statement stated that his husband had been working as an Import Executive with the management no. 1. Deceased workman was working with sincerity and honesty and never gave a chance to complain. Management-2 has a continuous contract with Management-1 since the deceased workman was working. Management did not provide any legal facilities as per the labour laws to the deceased workman. Workman attained the age of superannuation i.e. 60 years, but instead of giving the retirement benefit, management had taken the advantage and took the work continuously with the deceased workman. Management-2 had changed his name M/s Akansha Enterprises to M/s Akansha Global Logistics Pvt. Ltd. Management had stopped the monthly salary of four months i.e. May, June, July and August, 2015 and had terminated the services of the workman on 19.09.2015 without assigning any reason as such he had made prayer that the management be directed to pay the earned wages of May 15 to August 15, 2015.

Management-1 had filed the reply denied the employer & employee relationship between the management and the deceased workman. Present dispute is bad in law. He submits that the claim qua him be dismissed. Management-2 had been proceeded ex-parte vide order dated 02.04.2019.

After completion of the pleadings, following issues has been framed vide order dated 24.05.2019 i.e.:

1. Whether the proceeding is maintainable.
2. Whether the termination of the workman by M2 is illegal and unjustified.
3. Whether the proceeding is maintainable against M1.
4. To what relief the LRs of the workman is entitled to.

Now, the matter is listed for cross-examination of the workman. Wife of the deceased claimant has not been appearing for cross-examination since long, inspite of providing a number of opportunities.

In these circumstances, when the LRs of the claimant has not been appearing since long to substantiate his claim, it appears that she is not interested to pursue the case of her deceased husband. Claim of the deceased claimant 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 28th October, 2024

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