

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

I.D. NO. 06/2019

Sh. Pawan Das, S/o Sh. Hari Das,
R/o- B-1248, Gautampuri Phase-II,
Badarpur, New Delhi-110020.

VERSUS

1. The Director,
All India Institute of Medical Science (AIIMS),
Ansari Nagar, New Delhi-110029.

2. **M/s Broadcasting Engineering Consultant India Ltd.,**
Besil Bhawan, C-53, A/17, Sector-62,
Noida-201307.

AWARD

1. This is an application **U/s 2A of the Industrial Disputes Act (here in after is referred as an Act)** filed by the claimant.

2. Claimant in his claim statement has stated that he was working as Data Entry with the management-1 through contractor i.e. Bedi & Bedi Associate Company, since 18.02.2012 and his last drawn salary was Rs. 16,468/-. He did his work well and has not given any chance of making any complaint to the management nor

was he charged while he was in service. Thereafter, his contract period had expired on 30.09.2016 and a new contract was taken over by M-2 i.e. BECIL on 01.10.2016, but none of the old employees including workman by Bedi & Bedi Associate Company were removed. Apart from the above data entry, he was also made to do dealing head (online tender, uploading, price BOQ, tender process, tender comparative/tender price comparative, tender corrigendum, making tender rate contract, reply of RTI/company letters, reply of internal audit AIIMS, EMD refund and hospital transport work, officer dealing/company representative dealing etc.). He complaint about the above workload and mental stress to the hospital store officer and company manager but the company manager and store officer did not pay any heed to his complaint. Thereafter, on 17.04.2018 he was terminated without issuing any notice, without any rhyme or reason. He informed the company management on 03.05.2018 about his illegal termination and also gave him a written complaint, but no hearing was held and he was not taken back on job. He has gone to the conciliation officer, but it was resulted into failure. Hence, he filed the present claim with the prayer that he be reinstated with full back wages.

3. Management no. 1 has already been proceeded ex-parte vide order dated 02.08.2019.

4. Management no. 2 has filed its written statement stating that claim of the claimant is not maintainable because the employment of the complaint with the M-2 was for a fixed period purely on contractual basis and the same had expired by efflux of time. He also submitted that claimant has raised the present false and frivolous claim against the management, the same is not maintainable and liable to be dismissed. .

5. After completion of the pleadings, following issues have been framed on 18.12.2019 i.e.-

- (i) Whether the proceeding is maintainable.
- (ii) Whether there exist any employer or employee relationship between the workman and he management no. 2.
- (iii) Whether the service of the workman was illegally terminated by the management.
- (iv) Whether the workman is entitled to the benefit of reinstatement and other consequential benefits.

6. Thereafter, AR of the workman has filed an application for amendment in claim. Now, the matter is listed for filing of reply against the said application. However, neither the workman nor his AR has been appearing since long to substantiate his claim.

7. 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 passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

Date: 29.05.2025

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