

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

ID.NO.152/2020

Shri Suresh Kumar, S/o Sh. Gopi Ram,  
Through, Bhartiya Engineering & General Mazdoor Union,  
Bhrat Mill Charkhi Gate, Plot no. 1, Near D-Block Karampura,  
New Delhi-110015.

.....Workman

Versus

1. Medical Superintendent,  
ESI Hospital Basaidarapur,  
New Delhi-110015.
2. M/s. Vayuddot Security Services,  
ESI Hospital Basaidarapur, New Delhi-110015.

.....Managements.

**AWARD**

In the present case, a reference was received from the appropriate Government vide reference no. L-42011/90/2020( IR(DU)) dated 22.09.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the services of the worker Sh. Suresh Kumar S/o Sh. Gopi Ram, represented through Bhartiya Engineering and General Mazdoor Union have been terminated w.e.f 02.06.2017 by the management M/s Vayuddot Security Services (Contractor) under ESI Hospital Basaidarapur illegally and / or unjustifiably and if

yes, to what relief is he entitled and what directions if any, are necessary in this regard?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put his appearance nor has he led any evidence so as to prove his cause against the managements, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Presiding Officer  
CGIT-cum Labour Court II,  
Rouse Avenue,  
Delhi-110002.

Date: 29<sup>th</sup> July, 2022