

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

ID.NO.154/2020

Shri Shiv Lagan S/o Sh. Rajender Thakur,
Rept. By Engineering workers Lal Jhanda Union,
Regd, 47, Ami Chand Khand, Giri Nagar, Kalkaji,
New Delhi-110019.

.....Workman

Versus

1.M/s Solar Energy Corporation of India Ltd.
D-3, 1st Floor, Wing-A, Religare Building
District Center Saket, New Delhi-110017.

2. M/s Security Solutions and Manpower Services
1783, Sector 29, Noida, Uttar Pradesh-201301.

.....Managements

AWARD

In the present case, a reference was received from the appropriate Government vide reference no. L-42011/94/2020 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 Sh. Shiv Lagan S/o Shri Rajender Thakur who raised dispute through ‘Engineering workers Lal Jhanda Union’ vide letter dated 27.02.2018 have been terminated by the management of M/s Security Solutions and Manpower Services illegally and / or unjustifiably? If yes, to that relief is he entitled and what directions, if any, are necessary in this respect?”

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 in 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: 29th July, 2022.

