

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

I.D. NO. 83/2019

Sh. Pankaj Kumar, S/o Sh. Narendra Mandal,
Address:- Village- Ranganiya, Post- Samukhiya,
District & P.S. Banka, Bihar-813102.

VERSUS

1. Safdarjung Hospital (Sports Injury Center),
Mahatma Gandhi Marg, Safdarjung Campus,
New Delhi, Delhi-110029.

2. **The Director, Bhayana Builders Pvt. Ltd.**
At-7, Factory Road, Near Safdarjung Enclave,
New Delhi-110029.

AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claim of the claimant is that he has been serving with the management-1 through management-2. He was appointed as Plumber Helper for the site in **SIC Safdarjung**, New Delhi (Sports Injury Centre, Safdarjung Hospital Complex, New Delhi) by **M/s Bhayana Builders Pvt. Ltd.** However, this company has changed various names i.e. (i) **M/s Bhawana Builders Pvt. Ltd.** (ii) **M/s Roto Power Projects Pvt. Ltd.** (iii) **M/s AWC Facilities Management India Pvt. Ltd.** and (iv) **M/s Wilburg Facilities Management Services Pvt. Ltd.** from time to time. Whenever the name of the company was

changed, the fresh appointment letter and other documents was issued to the claimant. The management had deducted 37% amount from the salary of the workman and other co-workers. In this regard, when the workman raising this question regarding such illegal deductions, on this, it was threatened to the workman by the management and other senior officials that if anyone objected, then he would be expelled/terminated from his job without issuing any notice. On November 2016, after the demonetization, the management had pressurized the workmen and other co-workers to deposit the old currency money in the bank accounts (approx. Rs. 50,000/- to Rs. 1,25,000/-) by giving threats that if the same is not done by him, then he would be expelled/terminated from his job. The management has also promised to give/issue the PF, Bonus, Leave amount, and all other salary benefits, but never issued the same to the workman. Since 17.08.2018, the workman had not been allowed by the management to do the work and on the same date, the management had brought the new staff and expelled out/terminated and not allowed to work since then to the workman and other co-worker etc. Workers including the workman had filed an application U/s 2A of the I.D Act 2010 in the office of ALC (C), New Delhi, against the management **Bhayana Builders Pvt. Ltd.** (Contractor)/Safdarjung Hospital (Principle Employer). He had sent the complaint to the Assistant Labour Commissioner, but, it has yielded no result. Hence, He filed the present claim.

Respondent-1, has been proceeded ex-parte vide order dated 12.10.2023. WS has been filed by the M-2 and he denied the averment made in the claim. He also submitted that claim is liable to be dismissed.

Today, the matter is listed for filing of rejoinder. Neither the workman nor his AR has been appearing since long inspite of providing a number of opportunities.

In these circumstances, when the claimant is not interested in pursuing his claim, this tribunal has no option except to pass the no dispute award. No Dispute 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: 30.01.2025

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