

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

**I.D. No. 37/2020**

**Sh. Anil Kumar,**

**Through- The President Sh. Hukum Chand,**  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No.- 04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon, Haryana.

**I.D. No. 38/2020**

**Smt. Manisha,**

**Through- The President Sh. Hukum Chand,**  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No.- 04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon, Haryana.

Versus

- 1. The Director General C.P.W.D.**  
Nirman Bhawan, New Delhi-110001.
  
- 2. The Chief Engineer (Electrical Co-ordination) CPWD,**  
East Block, R.K. Puram, New Delhi-110022.
  
- 1. The Executive Engineer, CPWD,**  
Noida Division, Room No. 319, B-Wing,  
3<sup>rd</sup> Floor, I.P. Bhawan, New Delhi-110002.

**AWARD**

By this composite order, I shall dispose of these two applications of U/S 2A of the **Industrial Disputes Act (here in after referred as an Act)** filed by the different claimants against the same respondents, because of having the common

respondents and same cause of action, these cases are taken together for their illegal termination. Claims of the workmen are that they have joined into the employment in the year 2013 and 2014 in the post of computer operators respectively. They had been doing their work with diligently and honestly. Their service records were clean and they had not given any complaint so far. From the initial date of joining, they were being treated as a daily rated/casual/ must roll worker and was being wages as fixed and never revised from time to time to under the Minimum Wages Act by the appropriate government while their counter parts to the identical work and the work of the same value but who was being treated as regular employees were paid their salary in proper pay scale and allowances. They also enjoy other facilities like uniform, P.F., Medical leave, CL, Gazette/Festival/Restricted Holidays which are completely denied to the workmen. Workmen supposed to be regularized since their respective initial date of joining but, the management has never regularized them till now. Workmen had raised the dispute on the management for regularize their services from the initial date of joining but, the management adamant from his demand and terminated their services. The action of the management is wholly illegal, bad and unjust. Workmen have been met about with hostile discrimination as juniors to have been retained in services and they have been thrown out of job. Many fresh new persons have been taken into the employment after removing the aforesaid workman. At the time of termination of services no seniority list was displayed, no notice was given, no notice pay was either offered or paid no services compensation was either offered or paid to the workmen. The impugned termination of services is violative of section 25 (f), (g) & (h) of the I.D. Act, 1947. The demand notice was served upon to the managements, but no reply was received and it was presumed that the demand has been rejected. Hence, they have filed the present claim with the prayer to reinstate them with full back wages.

W.S has been filed by the respondent. Management had denied the averment made in their claims. He had submitted that

workmen concerned are totally baseless and meritless having no locus stand. In fact they are not the employee of the management. Their claims are liable to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 08.12.2021 i.e.-

1. Whether the Claims are maintainable.
2. Whether there exist employer and employee relationship between the management and the claimants.
3. Whether the services of the workmen were terminated illegally?
4. To what relief the claimant is entitled to from which date?

Now, the matters are listed for workman evidence. On behalf of management, **Sh. M.D Maheshwari** appeared. Claimants have not brought any evidence i.e. documents and oral to substantiate their claims, inspite of providing a number of opportunities.

In these circumstances, when the claimants have not been appearing since long to substantiate their claims, it appears that they are not interested to pursue their cases. Their claims stand dismissed. Awards are 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. Files are consigned to record room.

Date 31<sup>st</sup>, July, 2024

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