# THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

**ID No. 162/2023**

Sh. Mukesh S/o Late Sh. Prahalad,
Rept. by Delhi Municipal Mazdoor Trade Union,
B-40, MCD Flats, Bulward Road, Tis Hazari-110006.

Workman…

Versus

The Commissioner,
Municipal Corporation of Delhi,
Dr. S.P. Mukherjee, Civic Centre, J.L. Nehru Marg,
New Delhi-110002.

Management…

## AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-42011/85/2023 (IR(DU)) dated 04.07.2023 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:

## The Schedule

"*Whether demands of Shri Mukesh S/o Late Sh. Prahalad through Municipal Mazdoor Trade Union, Delhi vide letter dated nil and received on 01.11.2021 to the management of Municipal Corporation of Delhi, New Delhi (earlier East Delhi Municipal Corporation (EDMC)) for appointment on compassionate ground on any suitable post on regular and permanent basis (instead of on contract basis) in proper pay scale and allowances with the retrospective effect from the date of death of his father or from the date of his application and further regularize him from the initial date of joining as per policy along with all consequential benefits, are proper, legal, justified and devoid of unreasonable delay? If yes, what reliefs as sought vide letter under reference are the disputant entitled to 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 favor 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 he led any evidence so as to prove his cause against the management, 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.

**Justice Vikas Kunvar Srivastava**
Retired Judge, Allahabad High Court
Presiding Officer

Date: 07.11.2024