

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

**ID No. 168/2023**

Sh. Jitender Kumar,  
Through Indian National Migrant Worker's Union,  
1770/8, 3<sup>rd</sup> Floor, Govind Puri Extn.,  
Main Road Kalkaji, New Delhi-110019.

Workman...

Versus

1. The Container Corporation of India Ltd.,  
Inland container Depot, Tughlakabad,  
New Delhi-110020.
2. M/s Asian Cargo Movers,  
21 Floor, DDA Market, M-Block,  
Yojna Vihar, Delhi-110092.

Management...

**AWARD**

In the present case, a reference was received from the appropriate Government vide letter No. ND-25/II-21/2023-IR dated 31.07.2023 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 the action of the management of M/s Asian Cargo Movers in terminating the services of Sh. Jitender Kumar S/o Raj Kishore Thakur, Ex Import Incharge w.e.f. 01.06.2020 is legal, just and proper? If not, what relief the workman is entitled to?”*

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