

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, DELHI – 1**

ID No.174/2016

Maya Devi
251, D-II, Vinay Marg,
Chanakyapuri, New Delhi.

Claimant...

Versus

The Commanding Officer,
INS India, Dalhousie Road,
New Delhi-110011.

Management...

Reference under section 10 of the Industrial

Disputes Act, 1947

Argued by: Sh. B.S. Rawat, A/R for the Petitioner.
Respondent already proceeded against ex-parte.

AWARD

1. Briefly stated, the case of the petitioner was to the following effect. The petitioner was employed as a helper by the respondent for the purpose of cleaning ration-grains in the year 2001. The petitioner was being paid monthly wages of Rs.5600/- only including overtime allowance etc. The petitioner was performing

her duties honestly and regularly. However, the services of the petitioner were illegally terminated by the respondent on 13.03.2014 without issuing her any notice, charge sheet, without conducting any domestic enquiry and without paying any compensation etc. in violation of section 25-F and section 25-N of Industrial Disputes Act. Through her claim statement, the petitioner has prayed that the respondent should be directed to reinstate the petitioner in service with full back wages, legal benefits and regularize her services as per law.

2. Upon notice, the respondent had duly put in appearance before the Tribunal. However, the respondent had failed to file its written statement despite the grant of many opportunities by the Tribunal. Accordingly, the defence of the respondent had been struck off by this Tribunal.

3. In support of her case, the petitioner had tendered in evidence her own affidavit Exhibit WW1/A alongwith the documents Exhibit WW-1/1 to WW-1/5 only. Thereafter, the AR for the petitioner had closed the evidence on behalf of the petitioner.

4. Since the defence of the respondent had been struck off by the Tribunal, therefore, no evidence could be adduced by the respondent.

5. During the pendency of proceedings, the respondent had absented from the Tribunal and was, therefore, proceeded against ex-parte.

6. I have heard the learned AR for the petitioner. Written arguments submitted on behalf of the petitioner have also been perused.

7. Learned AR for the petitioner has argued that the petitioner had remained employed as a helper at the Ration-Depot of the respondent from the year 2001 up to 14.03.2014 at the monthly wages of Rs.5600/- only. Learned AR for the petitioner has further argued that the petitioner was performing her duties honestly and regularly throughout this period. Learned AR for the petitioner has alleged that the petitioner was not issued any appointment letter and was not being paid minimum wages as per law and was also being denied other benefits under the law. Learned AR for the petitioner has pleaded that the services of the petitioner were illegally terminated by the respondent on 13.03.2014 without issuing her any notice, charge sheet, without conducting any domestic enquiry and without paying her any monetary benefits under section 25-F of the Industrial Disputes Act. Learned AR for the petitioner has alleged that the respondent had violated the provisions of section 25-F and section 25-N of the Industrial Disputes Act, 1947 by illegally terminating the services of the petitioner. Learned AR for the petitioner has prayed that the respondent should be directed to reinstate the petitioner in service with full back wages, pay her all legal benefits and regularize her services in accordance with the circular issued by the head quarters of the respondent. Reliance in this behalf was placed upon the rulings cited as Vavasi Telegence Pvt. Ltd. Vs. Mr. Sehdev Yadav

2019 LLR-11, Raj Kumar Dixit Vs. Vijay Kumar Gauri Shankar (2015) 9 SCC-345 and Delhi Transport Corporation Vs. Kishan Lal (Mason) 2018 L.L.R-1176.

8. In support of her case, the petitioner has placed her own affidavit Exhibit WW1/A upon the record. Through the said affidavit Exhibit WW1/A, the petitioner has deposed in detail as to how she had been working as a helper under the respondent since the year 2001. She has alleged that her services were terminated on 13.03.2014 by the respondent without serving her with any charge sheet and without giving her any benefits in accordance with law.

9. Further, the petitioner has placed upon the record the copies of the postal receipt Exhibit WW-1/2, application filed before Assistant Labour Commissioner (Exhibit WW-1/3), Conciliation Failure Report submitted by the ALC (Exhibit WW-1/4) and the notification issued by Mumbai Navy (Exhibit WW-1/5).

10. It is important to note that due to the failure of the respondent to file its written statement despite grant of many opportunities, the defence of the respondent had been struck off by this Tribunal. It is further necessary to observe that the above-said order of striking off the defence of the respondent has not been shown to have been set-aside by any superior court. Accordingly, it is apparent that the order striking off the defence of the respondent had attained finality.

11. Subsequently, the respondent had placed its written statement on the record. However, since the defence of the respondent had already been struck off, the same cannot be looked into by this Tribunal. Moreover, the respondent had also placed on record the copy of an affidavit of a witness but this Tribunal had not allowed the respondent to adduce evidence as the defence of the respondent had already been struck off. In this background, the copies of the written statement and the affidavit on behalf of the management cannot be looked into by this Tribunal for the purpose of deciding this matter. For the same reason, the admission made by the respondent in favour of the petitioner in paragraph no. 3 of its affidavit can also not be looked into by this Tribunal.

12. I have carefully perused the entire evidence adduced by the petitioner in support of her case. Significantly, the petitioner has not placed upon the record any documents that may show that she has remained under the employment of the respondent at any stage. For claiming any benefits under section 25-F and 25-N of the Industrial Disputes Act, 1947, it was incumbent upon the petitioner to have proved that she had remained in continuous employment for 240 days or more in any year during the relevant period. However, as already noted above, except for the bald statement of the petitioner herself, there is no evidence on record by the petitioner to prove her employment under the respondent at any stage.

13. Under these circumstances, it is apparent that the petitioner has miserably failed to prove as to how she is entitled to the relief as prayed for.

14. Hence, the claim petition of the petitioner has no merits and is hereby dismissed. Reference made by the Government of India is answered accordingly.

15. A copy of the Award be sent to the Government of India as per the rules. Case file be consigned to the Record Room.

(Ajay Kumar Jain)
Presiding Officer
CGIT-cum-Labour Court, Delhi-1
05.05.2026