

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

ID No. 14/2017

Leela Devi, W/o Shri Sangat Singh,
H.No. 10, Gali No.1, Sadatpur Extn., Sherpur, Dayalpur, North East
Delhi, Delhi-110094.

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-1/6 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 application filed before Assistant Labour Commissioner (Exhibit WW-1/2), postal-receipt (Exhibit WW-1/3), Conciliation Failure Report submitted by the ALC (Exhibit WW-1/4), the notification issued by Mumbai Navy (Exhibit WW-1/5) and the copies of payment vouchers and pay allowances statement (Exhibit WW-1/6).

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. In this background, the copy of the written statement on behalf of the management/respondent cannot be looked into by this Tribunal for the purpose of deciding this matter.

12. I have carefully perused the evidence adduced by the petitioner in support of her case. A scrutiny of the copies of the payment vouchers and the salary statement (Exhibit WW-1/6) issued by the respondent itself would clearly establish the fact that the petitioner had remained in continuous employment of the respondent from October, 2010 upto March, 2012. However, there is no documentary evidence on behalf of the petitioner to prove the fact of her employment from the year 2001 upto September, 2010 and from April, 2012 to 13.03.2014 as claimed by her. Nonetheless, as already discussed, the evidence on record clearly proves the fact of employment of the petitioner from October, 2010 to March, 2012.

13. The respondent is not shown to have conducted any regular enquiry against the petitioner before terminating her services. The respondent is not shown to have served the petitioner with one-month notice and paid any retrenchment compensation to the petitioner before terminating her services in accordance with section 25-F of Industrial Disputes Act, 1947. Therefore, the respondent had clearly violated the provisions of 25-F of the Industrial Disputes Act, 1947 while terminating the services of the petitioner. Now the question to be determined by the Tribunal is as to what relief the aggrieved petitioner would be entitled to. As already discussed, the evidence adduced by the petitioner proves the fact of her employment under the respondent for around one and a half years only (October, 2010 to March, 2012).

14. In the ruling cited as Harinandan Prasad and another Vs. Food Corporation of India (2014) 7 SCC 190, Hon'ble Supreme Court of India held that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation. Hon'ble Supreme Court further held that grant of monetary compensation instead of reinstatement would meet the ends of justice. In the given facts and circumstances, I am satisfied that the grant of monetary compensation of Rs.5,00,000/- to the petitioner would amply meet the ends of justice in this case.

15. Hence, an Award is hereby passed directing the respondent to pay the compensation of Rs.5,00,000/- (Rupees Five Lakhs Only) alongwith interest at the rate of 6% per annum upon the awarded amount from the date of the present reference upto to the date of realization to the petitioner. The reference made by the Government of India is answered accordingly.

16. 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