

**THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR**

CGIT/LC/R/59/2020

Present: P.K.Srivastava

H.J.S..(Retd)

**Secretary,
Theka Shramik Trade Union,
Raisen Bypass Road, Karond,
C/o Sh. Parul Sharma, H.No.4,
Krashak Nagar, Kanond,
BHOPAL(M.P.) - 462038**

Workman

Versues

- 1. Director, BMHRC,
Raisen Bypass Road,
BHOPAL(M.P.) – 462038**
- 2. M/s. Aqua Clean Services Pvt. Ltd,
through Sh. Manish Gangele - Director,
E-7, M-159, IInd Floor, Arera Colony,
BHOPAL(M.P.) – 462039**
- 3. M/s. Wold Glass Services,
Through Sh. Devendra Arora,
Prop-380, Goyal Nagar Near Bank of Baroda,
Bangali Chouraha, Indore (M.P.) – 451010**
- 4. M/s. Nussery Nisarga
Through Sh. Ramprakash Rathor
Prop-12, Aradhana Nagar,
Barkheda, BHEL, BHOPAL(M.P.) – 462022**
- 5. Eagle Security Service,
BDA Complex, Mata Mandir,
Bhopal (M.P.)**
- 6. Prime Services,
J-11/74, Rajaouri Garden,
New Delhi -**

Management

AWARD

(Passed on this 14th day of July, 2026)

As per letter dated 08/09/2020 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. **L/42011/61/2020 (IR(DU))** dated 08/09/2020. The dispute under reference relates to:

“Whether the demand of the 'Theka Shramik Trade Union Bhopal for payment of bonus for accounting years 2017-2018, 2018-2019 and 2019-2020, to the contract labours engaged in the establishment of Bhopal Memorial Hospital and Research Centre (BMHRC), Bhopal through various contractors (M/s. Nussery Nisarga, M/s. Aqua Clean Services Pvt. Ltd and M/s. World Class Services) is legal, just and proper? If yes, then what relief the contract labours engaged in the establishment of BMHRC, Bhopal are entitled to and from which date? What other directions, if any, are necessary in the matter?”

The case of the Workman Union is that, the Bhopal Memorial Hospital and Research Centre has been employed workmen through various Outsourcing Agencies for the period 2017-2018, 2018-2019 & 2019-2020 as Contract Labours, total 744 in number. These Contract Labourers have been working with the Hospital through Outsourcing Agencies, since last 15 to 20 years. They are entitled to bonuses from the Hospital Management, but were not paid, they raised a dispute in this respect, hence this reference.

The Workman Union has prayed that, they be paid bonuses for their 744 members, who are the outsourced employees, employed through various Outsourcing Agencies for the period as stated above.

Case of the Hospital Management is mainly that, these workmen were appointed through various Outsourcing Agencies, hence the Hospital Management is under no liability to pay them bonuses. Furthermore, the details list of the employees is not attached, there is nothing to show that the Union is required and authorized to raise the claim on behalf of these workmen, details not disclosed anywhere.

In this case, the Outsourcing Agencies were also party, they were issued notices, one Outsourcing Agency M/s Prime Services appeared and pleaded the same as stated above. Other outsourcing agencies did not appeared in spite of service of notice.

The Union Representative has filed his affidavit as his examination in chief. The witness of Hospital has also filed his affidavit as his examination in chief. The Union Representative did not appear for cross-examination. The Hospital witness was cross-examined by the Workman Union side. The Union has filed and proved one document Ex. W-1.

I have heard argument of Learned counsel for the Workman Union Mr. Vijit Sahu and Mr. Subh Choudaha, Learned Counsel for the Management of Hospital and have gone through the record.

On perusal of the record in the light of rival arguments, it reveals that **firstly**, the Union has not furnished any list of the 744 employees, which have worked in years mentioned in the reference, hence these employees are not identifiable. **Secondly**, there is nothing on record to show that these workmen have authorized the Union Representative to raise their dispute on their behalf. **Thirdly, Section 21 of the Bonus Act, 1965** provides that,

any claim of recovery of bonuses shall be made within one year from the date when the money becomes due.

Hence, in the light of above discussion, the Workman Union is held to have been failed in establishing their claim. Hence, the reference is answered as follows -

AWARD

Holding the action of 'Theka Shramik Trade Union Bhopal for payment of bonus for accounting years 2017-2018, 2018-2019 and 2019-2020, to the contract labours engaged in the establishment of Bhopal Memorial Hospital and Research Centre (BMHRC), Bhopal through various contractors (M/s. Nussery Nisarga, M/s. Aqua Clean Services Pvt. Ltd and M/s. World Class Services) is unjust and illegal. The Workman Union has failed in establishing their claim. Hence, the reference is answered against the Workman Union.

No order as to cost.

DATE:-14/07/2026



(P.K.SRIVASTAVA)
PRESIDING OFFICER