

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR, (M.P.)

NO. CGIT/LC/R/83/2018

Present: P.K.Srivastava

H.J.S..(Retd)

1. Shri Deepak Jana,
A-5, 502, Silver Estate Vertica, Katara Hills,
Bhopal (M.P.)- 462024

Workman

Vs

1. Director,
All India Institute of Medical Science,
Saket Nagar, Bhopal (M.P.)- 462024
2. M/s Security Solutions & Manpower Services,
Thro, Sh. Manoj Shrivastava,
Proprietor, 1283, Sector-29,
Noida (U.P.) 201301

Management

(JUDGMENT)

(Passed on this 4th day of December, 2025)

As per letter dated 12/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-42012/122/2018 (IR(DU)) dt. 12/11/2018. The dispute under reference relates to:

"Whether the action of the management of Director, All India Institute of Medical Sciences, Bhopal in terminating the services of Shri Deepak Jana, Plumber w.e.f., 02.03.2017 who was working through M/s Security Solutions and Manpower Services w.e.f. 06.11.2012 is just and proper? If not, what relief the workman concerned is entitled to ?"

The case of the workman is mainly that, the management of All India Institute of Medical Sciences, Bhopal issued and advertisement on 21.07.2012 for appointment on many posts, he applied for the post of Plumber and after selection, appointed with the Institute vide appointment letter dated 01.11.2012. He was promoted w.e.f. 01.01.2014 on the post of Senior Plumber on a consolidated pay, he

was relieved from the Office of Superintendent Engineer of the Institute to join Admin office vide order dated 03.02.2017 and worked there till 02.03.2017 when he was disengaged vide letter of management dated 02.03.2017, issued by outsourcing agency, M/s Security Solutions and Manpower Services which was not empowered to terminate his services because he was appointed by the Institute. He was not given any opportunity of hearing before his disengagement nor was he issued any notice or compensation which is against the Act hence, is unjust, illegal and arbitrary. He raised the dispute before the Regional Labour Commissioner (Central), the dispute could not be conciliated hence, this reference. He has prayed for setting aside his disengagement order dated 02.03.2017, he be reinstated with all back wages and consequential benefits.

The management of the Institute has taken a case in their written statement of defense that the workman was never appointed by them as claimed by him, he was not an employee of the Institute rather he was employed by the sanctioned manpower agency, M/s Security Solutions and Manpower Services, which appointed him and deputed him with the Institute for a fixed tenure on consolidated remuneration. He was paid by the outsourcing agency, there is no employer-employee relationship between him and the Institute, his services were terminated by the outsourcing agency. The management of Institute has admitted that the advertisement was issued by them for recruitment on contractual and outsource basis on 21.07.2012 because the Rules were not finalized at that time and candidates were appointed on outsourcing basis, after finalization of Recruitment Rules, legal selection process was initiated and finalized. Outsourced employees filed petition challenging their relieving and also claimed regularization of their services before Central Administrative Tribunal which was dismissed. This order was upheld by Hon'ble High Court of M.P. and thereafter by Hon'ble Supreme Court of India. Thus, according to management of Institute, the workman was an outsourced employee, appointed by the outsourcing agency on contract basis and was terminated by the outsourcing agency after expiry of contract.

The outsourcing agency, M/s Security Solutions and Manpower Services, did not appear inspite of service of notice, hence the case proceeded *ex-parte* against them.

In evidence, the workman did not file his affidavit, management filed an affidavit of its witness. The workman did not appear for cross-examination of the witness.

None appeared for the workman at the stage of argument, hence argument of Learned Counsel, Mr. Gopi Chaurasia were heard by me on behalf of the Institute. He has filed written submission also which are part of the record. I have gone through the record as well.

The reference itself is the issue for determination in the case in hand.

The initial burden to prove his case lies on the workman, he has not filed any affidavit in this respect. Management of Institute has filed photocopies of appointment letter of the workman, his promotion letter which go to show that he was appointed by M/s Vema Hospitality Pvt. Ltd., on 01.11.2012 as a Plumber to work with the Institute and was promoted by M/s Security Solutions and Manpower Services as a Senior Plumber. He was disengaged on administrative ground by M/s Security Solutions and Manpower Services.

There is no evidence on record to show that the workman was appointed by the management of Institute or he worked under the Institute as an employee of the Institute. Hence, the Institute has no relation with the engagement as well disengagement of the workman in the case in hand.

The burden to prove that he was disengaged without notice or compensation is also on workman, in absence of any evidence to this effect, he is held to have failed in discharging his, this burden.

Hence, on the basis of above discussion and findings, holding the claim of the workman not proved, the reference deserves to be answered against the workman and stands answered accordingly.

No order as to cost.

DATE:- 04-12-2025

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**