THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, JABALPUR

NO. CGIT/LC/R/78/2021
Present: P.K.Srivastava
H.J.S..(Retd)

Shri Narendra Kumar Lahre,
General Secretary,
Railway Station Thekedari Safaikarmi Kalayan Sangh,
Chhota Ramnagar, Guudihari, Raipur,
Chhattisgarh - 492011

Workman

Versues

1. **The Managing Director,**
   CIS Bureaus Facility Services Pvt. Ltd.,
   101, Kushwaha Chambers, Makwana,
   Opp. Apporval Industries Estate, Marol,
   Andheri Roa, Mumbai – 400059

2. **Sr. Divisional Commercial Manager,**
   O/o DRM, SEC Railway, Raipur,
   Chhattisgarh - 495004

Management

(JUDGMENT)

(Passed on this 04th day of February, 2026)

As per letter dated 30.11.2021 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-41011/48/2021 (IR(B-I))** dt. 30.11.2021. The dispute under reference relates to:

"***Whether the demand of the Railway Station Thekedar Safaikarmi Kalyan Sangh, Chhattisgarh is justified & legal for reinstatement with full back wages in respect of 40 workmen (as per list enclosed) who were employed as contract labor by the Contractor CIS Bureaus Facility Services Pvt. Ltd. for executing the work of mechanized cleaning at Raipur Railway Station, SEC Railway Raipur? If not, what other better scheme of relief the workmen are entitled to?***"

The case of the Workman is that, he is a Secretary of the Railway Station Safai Karmi Kalyan Sangh which is a Workman Union registered and has been authorized by the Union to file the statement of claim in the case as well to produce the case vide resolution of Union dated 09.12.2021, passed in

its General Body meeting, file the statement of claim. He has filed list of concerned employees who are covered under the reference, they have been working with the Management of Railways since last 10 years and are engaged in the job of cleaning of the railway premises. The new Thekedar under whom they are working, which has been made an opposite party, which is CISB Facility Services Private Limited has defaulted in payment of their wages. The Union made a complaint in this respect before the Authorities that the Contractor has disengaged the members of the Union, list enclosed, without any notice or compensation. They are employing other persons in their place. A complaint was made in this respect with Railways. The Assistant Divisional Commercial Manager sent a letter to the Contractor on 02.03.2021 with regard to revised manpower recruitment for the work of cleaning, filed as Annexure-6 to the statement of claim. The Union further raised a dispute in this respect which could not be conciliated, hence this reference.

According to the workman union, the action of contractor in disengaging the Workmen without any notice or compensation is unjust, illegal and arbitrary. It has been prayed that holding the action of Contractor in disengaging the Workman is unjust and illegal, they have held entitled to be reinstated with back wages and benefits.

Railways have filed their written statement of defense and have taken a case that, the Union is not a registered union. The contract of mechanized cleaning of Railway Station was awarded by Railways to CISB Services Pvt. Ltd. They have started their work from 01.07.2020. Railways have denied the case of the Workman Union that the Workmen in the case in hand have been working since last 10 years, it is further their case that, the wages of the workman are regularly paid and Railways ensured regular and adequate payment of wages being principle employer. These workmen are employees of the Contractor; hence Railways did not have any hand in their alleged termination.

The Contractor did not appear in spite of service of notice. Hence, the case has proceeded ex-parte against the Contractor.

In evidence, the Workman Union has filed affidavits of Narendra Kumar Lahre, Secretary of the Union, Workman Pourna Nand, Dilip Kumar Koray, as their examination in chief. They have been cross-examined by Management of Railways. The Workman Union has further filed the minutes of meeting of their Union, as well the resolution, the registration documents of the Union and Identity Cards issued to the Workman by the Contractor all in photocopy.

Management of Railways has filed affidavit of its witness Avinash Kumar Anand as his examination in chief, he has been cross examined by the Union.

As stated above, the Contractor never appeared nor they filed any written statement of defense. They did not appear to cross examine any witness nor did they file any evidence.

I have heard argument of Learned Counsel for the Workman Union Mr. Anil Dwivedi and Mr. S.K. Gupta Learned Counsel for Railways.

It is further to mention here that Railways has filed Outsourcing Agreement with Contractor, complaints made by the Workman Union against the Contractors, attendance sheets of the employees and different applications filed by the contractor and workman Union before the Railways with different allegations against the Contractors.

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

The first charge of the Workman Union is that, they have not been paid their wages by the contractors. They could claim their wages under payment of wages act before Appropriate Authority. If the appropriate Authority finds that the workman have not been paid wages as per law, they may pass an order in this respect and also held the Railways responsible for payment of wages being principle employer. As regards disengagement of the workmen without notice or compensation by the contractor, since the employment of the Workman and continuous employment is not disputed, hence, termination without complying with the provisions of Section 25F of the Act is liable to be held unjust and illegal. Accordingly, termination of services of the Workman by the Contractor is held unjust in law.

As regards relief admissible to the Workman, since they are not appointed against any vacancy on regular basis rather they are Outsourced employees, a lump sum compensation of Rs. 50,000/- to each of the Workmen in lieu of their claims will meet the ends of justice in the case in hand to which they are entitled to recover from the Contractor.

The reference stands answered accordingly.

AWARD

Holding the demand of the Railway Station Thekedar Safaikarmi Kalyan Sangh, Chhattisgarh is justified & legal in law, they are entitled to a lump sum compensation of Rs. 50,000/- to each of the Workmen in lieu of their claims will meet the ends of justice in the case in hand to which they are entitled to recover from the Contractor.

DATE:- 04.02.2026

(P.K.SRIVASTAVA)
PRESIDING OFFICER