

Government of India  
Ministry of Labour & Employment,  
Central Government Industrial Tribunal –Cum- Labour Court-II, New Delhi  
Present: Smt. Pranita Mohanty

**ID.NO.148/2020**

Sh. Rajender Yadav & 52 Ors.  
Through-Naveen Engineers & Contractor,  
F-44, Chander Nagar, (West), Street No. 05, Delhi-110051.

.....Workmen

Versus

1.The CMD,  
N.T.P.C Ltd.  
Scope Bhawan, Core No. 7, Lodhi Road, New Delhi-110003.

2.The CMD,  
Badarpur Power Thermal Station,  
Scope Bhawan, Core no. 7 Lodhi Road, New Delhi-110003.

3.Utility Power Tech, Ltd.,  
NTPC Badarpur, New Delhi-110044.

.....Managements

**AWARD**

In the present case, a reference was received from the appropriate Government vide letter No.L-42011/83/2020 (IR (DU))dated 21.09.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“1.Whether the termination of the services of the workers (list attached ) by the managements of M/s Utility Power Tech Limited and its contractors, as raised by” Delhi Karamchari Sangh (Reg.) “vide letter dated 12.11.2018 is proper, legal and justified? If not, to what relives including retrenchment compensation, notice pay, gratuity and other terminal benefits are these workers entitled and which management is liable to pay the same? What directions, if any, are necessary in this regard?”

“2.Whether the demand of these workers for entitlement to be absorbed at the other site of the M/s Utility Power Tech limited is proper, legal and justified ? If yes, to what relief are these workers entitled and what directions, if any, are necessary in this regard?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, claimants union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workmen as well as the managements. Neither the postal article sent to the claimants, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimants. Despite service of the notice, claimants opted to abstain away from the proceedings. No claim statement was filed on their behalf. Thus, it is clear that the workmen are not interested in adjudication of the reference on merits.

4. Since the workmen have neither put in their appearance nor have they led any evidence so as to prove their cause against the managements, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Presiding Officer  
Central Government Industrial Tribunal cum  
Labour Court No.II, Rouse Avenue Court,  
Delhi

Date: 13<sup>th</sup> May, 2022