

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1**

**MUMBAI**

Present

Smt. Pranita Mohanty  
Presiding Officer

**REFERENCE NO.CGIT-1/34 OF 2013**

**Parties:** Employers in relation to the management of  
Sahara Airlines Ltd.

And

Their workmen

**Appearances:**

For the first party no.1 Management: Absent.

For the second party workman : Absent.

State : Maharashtra

Mumbai, dated the 08th day of September, 2022

**AWARD**

1. The present reference has been made by the Central Government by its order dated 23.7.2013 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of

the Industrial Disputes Act, 1947. The terms of reference as per the schedule to the said order are as under:

- 1) *Whether the management of M/s Sahara Airlines Ltd. And M/s/ Sahara Indian Commercial Corporation Ltd., has contravened Section 2(ra) of clause 1.5(a)(b) of the Fifth Schedule of I.D.Act, by not allowing the applicant to join either at his transferred place or at his born place of appointment? 2) If so whether the case of workman is fit for reinstatement in the services of M/s. Sahara Airlines Ltd. With all consequential benefits with retrospective effect from 7.6.2007?"*
2. By the order dated 23.12.2013, notices were directed to be issued to the parties. Accordingly, notices were issued to the parties by Registered Post AD.
3. From the Perusal of the record, it appears that notices addressed to the first party/Management Nos.1, 2 and 3 were sent at their respective addresses as shown in the Order of Reference. Notice sent to the first party/Management No.2 by Registered Post AD has been received back unserved with the postal remark 'left'. As regards notices sent to the first party/Management No.1 and the first party Management No.3 at their Lucknow address by Registered Post AD, neither undelivered postal envelope nor acknowledgement card has been received back. Perusal of the record further reveals that Notices sent to the first party managements again and again remained unserved. Mr.M.B.Anchan learned counsel for the workman appeared

on behalf of the workman and submitted before the Tribunal on 14.02.2017 that the first parties are not receiving the notice. Both parties remained absent before this Tribunal 10.7.2018 till date. Statement of claim has been filed by the workman which is on record but no written statements has been filed.

4. The case is taken up today. Both parties are absent.
5. No written statement has been filed on behalf of the first party managements. By order sheet dated 20.7.2022, this Tribunal directed that the proceedings be held ex parte. It is further noted that the case was fixed for 01.9.2022 for evidence to be adduced by the claimant workman and it was made clear that if the claimant if would not adduce evidence on the next date the hearing of the matter shall be closed and no claim award shall be passed. Both the parties were absent on 01.9.2022 and the matter was fixed on 7.9.2022.
6. On 7.9.2022, when the matter was taken up for hearing both the parties were absent. Therefore, No dispute award is being passed.
7. Award is passed accordingly.



PRESIDING OFFICER

CGIT-1 MUMBAI