

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
NO.2, MUMBAI**

**PRESENT**  
**SHYAM S. GARG**  
Presiding Officer

**REFERENCE NO.CGIT-2/9 of 2018**  
**EMPLOYERS IN RELATION TO THE MANAGEMENT OF**

**1. RASHTRIYA CHEMICALS AND FERTILIZERS**

The General Manager  
Rashtriya Chemical and Fertilizers  
Administrative Building  
Chembur, Mumbai-400 074.

**2. SHREE DATTA TRAVELS**

The Proprietor  
Shree Datta Travels  
A/54, Amar Vikas Mandal  
Plot no.10, Behind Municipal School,  
Sewri X Road, Wadala  
Mumbai 400 031.

**AND  
THEIR WORKMEN.**

The Vice President  
Raigad Shramik Aekata Sangh  
House no.36, Shop No.1  
At Post Navade  
Raigad 410 208.

**APPEARANCES:**

FOR THE EMPLOYERS(1)	:	Mr. Medhas Nambiar Advocates i/b The Law Point.
EMPLOYER (2)	:	No appearance.
FOR THE UNION	:	Mr. G.R. Naik Advocate.

Mumbai, dated the 17<sup>th</sup> August, 2021.

**AWARD**

The Government of India, Ministry of Labour &  
Employment by its Order No.L-42011/168/2017-IR (DU), dated

31.01.2018 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

*“Whether the action of the management of M/s. Shree Datta Travels, Contractors, Employed in the establishment of RCF Ltd., Chembur, Mumbai in terminating the service of Shri Balasaheb Nanshidhar Shetty, Driver w.e.f. 4.8.2016 is just and proper? If not, what relief to the workman, concerned?”*

2. After receipt of the reference, both parties were served with notice. None appeared on behalf of the Union. Matter was adjourned on several dates.

3. Representative of Management no.1, Shri Prashant Borse appeared with their advocate and filed Vakalatnama. He also filed an application for dismissal of Reference stating that “Second Party i.e. Raigad Shramik Aekta Sangh has not filed the statement of claim. The matter is pending since March 2018. Further the second party also failed to appear before this Hon’ble Tribunal since many listing dates. Since second party has failed to take any further steps. It is submitted that present reference may be dismissed.”

4. On perusal of record it appears that this Reference received by this Tribunal on 08.03.2018 and on behalf of Union Mr. G.R. Naik filed his Vakalatnama on 29.03.2021 and prayed for adjournment for filing Statement of Claim. Till today no statement of claim filed by the union

or by the worker i.e. second party. Even notice issued for 11.08.2021 to Union. After receiving notice neither workman nor union Representative appeared.

5. On 13.08.2021, Advocate for the union filed application (Ex-7) praying for time for sending legal notice to Union before withdrawing appearance from the reference. Matter was adjourned till 17.08.2021. On 17.08.2021, Advocate for union appeared and filed application enclosing notice sent to union. It shows that facts mentioned in Ex-6 appear to be true. It also appears that union and workman are not interested to proceed with this Reference. So this reference is disposed of for want of prosecution. Hence the order:

**ORDER**

Reference answered in negative against the workman. Workman is not entitled to any relief.

Date: 17.08.2021

Sd/-  
(Shyam S. Garg)  
Presiding Officer  
CGIT-2, Mumbai