

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT DELHI - 1,
NEW DELHI.**

ID No. 38/2024

Sh. Rajesh Kumar Pathak,
R/o A-21, Khushal Vihar Colony, DLF Ankur Vihar,
UP-201102.

Workman...

Versus

M/s DEN Network Ltd.,
236, Okhala Phase-III,
New Delhi.

Management...

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. ND.96(31)/ID(2A)2023-DYCLC dated 07.02.2024 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:

The Schedule

“Whether the services of Shri Rajesh Kumar Pathak Ex-SA Engineer have been terminated illegally and/or unjustifiably by the management M/s Kutumbh Care, New Delhi contractor of M/s DEN Network Ltd, New Delhi w.e.f. 13.01.2021? If so, what relief is workman entitled and what directions 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, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, 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 favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, 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.

Justice Vikas Kunvar Srivastava
Retired Judge, Allahabad High Court
Presiding Officer

Date: 07.11.2024