

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR
COURT-II, NEW DELHI**

I.D. NO. 96/2015

**Sh. Manish Kumar, S/o Sh. Balveer Singh,
R/o- R.Z.F-2/152A, Gali No. 05, Mahavil Enclave, Palam, New Delhi-
110045.**

Through- All India General Mazdoor Trade Union,
170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

VERSUS

- 1. M/s IKYA Human Capital Solutions Pvt. Ltd.,
F-15, First Floor,
Okhla Industrial Area, Phase-I,
New Delhi-110020.**
- 2. M/s Fedex Express Transport and Supply Chain Services India Pvt. Ltd.
C-152, Mayapuri, Industrial Area,
Phase-1, New Delhi-110064.**

AWARD

04.06.2026

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour and Employment, vide its Order No. **L-11012/2/2015- IR(M)** dated 07/05/2015 has been pleased to refer the following dispute between the employer, that is the Management of **M/s IKYA Human Solutions (P) Ltd.** and their **workman** for adjudication by this Tribunal, terms of which are as under:

***“Is the termination of Sh. Manish by M/s IKYA Human
Solutions (P) Ltd. is legal and justified? If yes, to what***

relief the workman is entitled to?" And If no, the dues of the workman to the tune of Rs. 28730 which has been accepted by the employer should be paid with what rate of interest, if any?"

Upon receiving of the reference, notices were issued to both claimant and the managements. Workman has filed his claim statement stating that he has been continuously employed at the workplace contracted by M/s Fedex Express Transportation and Supply Chain Services India Pvt. Ltd. through the contractor M/s IKYA Human Capital Solutions Pvt. Ltd. at M/s Delhi International Airport Pvt. Ltd. since 01.08.2011 in the position of "Operation Assistant" and his last drawn salary was Rs. 11,948/- per month. He had been doing his work with diligently and honestly. During the service tenure, he never gave any opportunity of complaint to the managers nor is there any allegation against him. He was not providing statutory facilities as per labour rules i.e. annual paid leave, bonus, attendance card, leave card, house allowance, transport allowance, ESI and PF etc. He demanded repeatedly to provide the above said facilities, however, the management continued to delay the matter by giving false assurances. Owing to these demands, the management became annoyed and, out of vindictiveness and retaliation, started threatening to terminate his services, which was unfair and illegal. He further submitted that when he reported for duty on 11.01.2014, the management abruptly terminated his services without assigning any reason and without serving any prior notice. The management also refused to pay his earned wages for the period from 01.12.2013 to 10.01.2014, along with statutory dues, which amounts to an unfair labour practice. He, through his union, served a demand notice dated 18.01.2014 upon the management through registered post which was duly served to the respondent, but, respondent failed to respond thereto. He has gone to the conciliation, but, it was resulted into failure. Hence, he filed the present claim with the prayer that he be reinstated in services with full back wages.

Management no. 1 has filed its WS. He submitted that answering management had not terminated the services of the claimant and it was the claimant who had abandoned the job at his own when he was confronted of his misconduct of theft at the work premises. In fact the claimant alongwith Mr. Suresh Kumar were deployed at Mayapuri Hub where the Shipments vide AWB- 797475070902 and vide AWB-797478691376 were bagged vide con number 803201508718 which were carrying Samsung Galaxy Phones. The bag was sealed with orange seal and same was received at Indigo warehouse in intact condition where the bags were opened by the airlines with the help of the claimant and Sh. Suresh Kumar. But, when the bags were received at Mumbai, two shipments bearing number 797475070902 and AW 797478691376 were not found. Earlier also the names of the claimant and Sh. Suresh Kumar was found in the theft of twelve laptops of Toshiba and as such they were interrogated by the management and were also asked to submit an explanation but to avoid submitting any response and out of fear of consequences of their misdeeds, the claimant started absenting from duties. He also submitted that every facility permissible under law was being extended by the respondents to the claimant. Hence, he submitted that claim is not maintainable and liable to be dismissed

Management-2 has filed its WS stating the claimant had entered into an Agreement with M/s IKYA Human Capital Solutions Pvt. Ltd., a private limited company being an independent legal entity, purely on principal to principal basis, for providing services of manpower to the answering respondent. He further submitted that there is no employer-employee relationship ever existed between the management and the workman. Hence, he submitted that claim is liable to be dismissed.

Rejoinder has been filed by the claimant. He had denied the averment made in the written statements of management no. 1 and 2 and affirmed the facts mentioned in his claim statement.

After completion of the pleadings, vide order dated 23.08.2016, following issues have been framed i.e.:-

- (i) Whether the termination of Sh. Manish by M/s IKYA Human Solutions (P) Ltd. is legal and justified? If so its effect?
- (ii) To what relief the workman is entitled to?

Now, the matter is listed for cross-examination of the workman. Workman has not been appearing since long to substantiate his claim inspite of providing a number of opportunities.

In these circumstances, when the claimant is not interested in perusing his case, this Tribunal has no option but to dismiss his claim. Hence, claim stands dismissed. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. Record of this file is consigned to record room.

Date: 04.06.2026

ATUL KUMAR GARG
Presiding Officer.
CGIT-cum-Labour Court-II