

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR, (M.P.)

NO. CGIT/LC/R/80/2020

Present: P.K.Srivastava

H.J.S..(Retd)

1. Shri Radhakishan Urf.
Rajesh S/o. Shri Motilal,
C/o. Shri S.C. Shrivastava,
Advocate, Chamber Number 207,
Shalimar Trade Centre,
Alapna Tiraha, Hamidia Road,
Bhopal (Madhya Pradesh) – 462 001

Workman

Vs

1. Director,
Jawahar Navodaya Vidyalaya,
Ministry of Human Resources Development,
Government of India Undertaking, Ashok Nagar,
Bhopal (M.P.) – 462 001
2. The Principal,
Jawahar Navodaya Vidyalaya,
Ministry of Human Resources Development,
Government of India Undertaking,
Village: Aranyakala,
Disstt.Shajapur (Madhya Pradesh) - 465 333

Management

(JUDGMENT)

(Passed on this 02th day of December, 2025)

As per letter dated 10/12/2020 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. J-1(1-47)/2020-IR** dt. 10/12/2020. The dispute under reference relates to:

“क्या प्रबन्धन-संचालक, जवाहर नवोदय विद्यालय, भोपाल द्वारा कामगार श्री राधाकिशन उर्फ राजेश आत्मज श्री मोतीलाल को दिनांक : 28/01/2018 को औद्योगिक विवाद अधिनियम की धारा 25-एफ का अनुपालन किए बिना सेवा से पृथक किया जाना न्यायसंगत है ? यदि नहीं तो श्री राधाकिशन उर्फ राजेश किस अनुतोष को पाने का अधिकारी है?”

The case of the workman is mainly that, he was appointed as Helper against the vacant post on permanent basis on 14.04.2001 and worked in the Mess of the school continuously till 28.01.2018, his services were dispensed with by the management without any notice or compensation. According to him, this action of management is unjust, illegal and arbitrary and is in violation of the Act. He raised a dispute in this respect before the concerned Labour Commissioner, the dispute could not be conciliated hence, this reference. He has prayed for setting aside his disengagement, he be reinstated with all back wages and benefits.

Case of the management is mainly that **firstly**, they are an educational institution, hence this Tribunal lacks jurisdiction in this respect. **Secondly**, he was appointed as a daily wagger helper in the Mess of school on 14.04.2001, his work was not sufficient. He was disengaged by management since he was a daily wagger, engaged on as and when required basis and never completed 240 days in any year, no notice or compensation is required on his disengagement. Management has requested that the reference be answered against the workman.

The workman did not appear and did not file any evidence or affidavit. Management filed an affidavit of its witness which is on cross-examination.

None appeared for the workman at the stage of argument, I have heard Learned Counsel for management, Mr. D. S. Baghel. I have gone through the record as well.

The initial burden to prove his case lies on the workman, in which he failed as he has not filed any affidavit or evidence, hence holding his claim not proved.

Hence, on the basis of above discussion and findings, holding the claim of the workman not proved, the reference deserves to be answered against the workman and stands answered accordingly.

No order as to cost.

DATE:- 02-12-2025

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**