

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

I.D. NO. 146/2015

The General Secretary

NTPC Theka Shramik Sangh,

Village- Salarpur Kalan, P.O- Vidyut Nagar, Dadri,
Gautam Buddh Nagar, UP-201008.

VERSUS

1. The General Manager,

National Thermal Power Corporation,

Vidyut Nagar, Dadri,

Gautam Buddh Nagar, UP-201008.

2. M/s Utility Power Tech Ltd.

National Capital Power Project Premises,

P.O. Vidyut Nagar, District Gautam Buddh Nagar,

Dadri (U.P.)-201008.

Also at:

BSES Tower, 5th Floor, A2,

Sector-24, Noida (U.P.)-201301.

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-42011/113/2015-IR (DU)** dated 17.08.2015 has been pleased to refer the following dispute between the employer, that is the Management of National Thermal Power Corporation and their workman for adjudication by this Tribunal, terms of which are as under:

“Whether the given 9 no. of workmen hold valid grounds to be reinstated in the service of NTPC/M/s Utility Powertech Limited and be regularised under NTPC, Dadri looking into the status of the M/s Utility Powertech Limited as a contractor of M/s NTPC Limited? If so, what requisites should be looked into for their regularisation?”

Upon receiving the reference workmen had filed their claim statement stating they are members of their Trade Union i.e. NTPC Theka Shramik Sangh, situated at Village & Post Office Salarpur Kalan, District Gautam Budh Nagar-201008 since long. They have been working with management no. 1 since 01.01.2010 continuously without any break under its direct control and supervision. They have been working as electric/data entry operator/technician with the management no. 1 for a long period of time. Their service records were neat and clean and there was no complaint of any kind on the part of the claimants. The contractors of management no. 1 are appointed on the basis of license of surveyors. Management no. 1 is large entity and primarily engaged into the business of generating electricity and allied businesses i.e. maintaining power houses, power generating plant and factory, productions, transmission and distributions of electricity on PAN India basis. Management no. 1 has many factories, offices, godowns, power lines, boilers, open spaces, offices etc. It is also an industrial establishment as well as factory

under the applicable provisions of law. However, it is not complying with mandatory pre-condition as stipulated under ID Act, 1947, CLRA Act, ESI, EPF, Payment of bonus Act, Shops and Establishment Act, Industrial Employment (standing order Act, 1946), Factories Act etc. They had been continuously working with the management for several years on duties of a regular, perennial, and permanent nature. They were engaged through contractors who were allegedly not duly licensed and the arrangement between the management and the contractors was challenged as a sham and camouflage intended to deny statutory and service benefits to the claimant and similarly situated workers. They further submitted that at the initial stage of their employment, the management got some blank papers, proformas, full and final receipts and blank appointment letter signed from the claimant but did not provide the copies of the blank signed papers to the claimant. They also stated that despite performing duties similar to those performed by regular employees, they were denied equal service conditions, regularization, and wages equivalent to those paid to regular employees. They repeatedly raised grievances regarding unfair labour practices, non-regularisation, and denial of equal pay for equal work. However, their representations were not adequately addressed by the management. They were forced to work beyond 17-18 hours in a day by the management and they were also not provided the safety equipment and for the said reason a lot of workman was met with an accident and lost their life in multiple accident. Due to those accidents, many of the workmen have died or become permanently handicapped. They had been demanding these legal facilities orally from the management on account of the demand, the management kept rancor against the claimants and wanted to terminate the service of the claimants illegally and unjustifiably for demanding these legal benefits. Thereafter, their services have been

illegally terminated on 31.12.2014. Claimants had worked for more than 240 days in every calendar year with the management no. 1 without any break since beginning i.e. date of his initial appointment till the date of his termination of services. They had approached their trade union and submitted their demands. Thereafter, the demands were made to the management for redressal of long pending grievances. However, the same were not met by the management and deemed to have been refused. They have gone to the conciliation, but, it was resulted into failure. Hence, they filed their present claim with the prayer to direct the management to settle all the claims of the claimants; reinstate their respective services with full back wages; give the benefits of “equal work for equal pay”; and regularize their services with management no. 1 from the date of their respective initial appointments.

Management no. 1 has filed its written statement. He had stated that there is no relationship of employer and employee or of any other kind between the NTPC Ltd. (Management no. 1) and the claimants. He submitted that NTPC Ltd. is a Government of India enterprise and functioning under the administrative control of Ministry of Power. They have entered into an agreement with M/s Utility Powertech Ltd. i.e. management no. 2 and awarded contract for identified works of the various power stations, projects and offices for consideration. It is submitted by him that management no. 2 i.e. M/s Utility Powertech Ltd. is the principle employer of their contract workers. He submitted that claim of the claimants is liable to be dismissed.

Management no. 2 has filed its written statement stating that answering respondent is a joint venture of NTPC Ltd. and Reliance Infrastructure Ltd. (erstwhile Reliance Energy Ltd.). It is company registered under the Companies Act, 1956, and thus is a separate legal

entity with its Board of Directors. They had got work from NTPC Ltd. vide letter dated 20.02.2009 and purchase order no. 4600002368-017-1011. The duration of the service period of the said work order was from 10.11.2008 to 09.02.2009. They submitted that workmen were never their employees or hired directly by them to get the said work done. To get the said work done, services of the contractor **M/s Raj Singh Rana & Co., Village Rasoolpur, Dasna, NTPC, Vidyut Nagar, G.B. Nagar, UP** was availed of M/s Utility Powertech Ltd. (management no. 2). They submitted that Sh. Naresh Bhardwaj, Sh. Vijay Pal, Sh. Avnish Pratap, Sh. Jitender were employed by the contractor M/s Raj Singh Rana & Co. initially and Sh. Birpal and Sh. Ramesh were later hired in addition to the original four by the contractor to complete the said work order. All the payments as per the contract and statutory provisions were made to the workmen by the said contractor, the details of which were supplied to management no. 2 by the contractor, which bear their signature. They submitted that payments were made to the contractor i.e. M/s Raj Singh Rana & Co. by UPL and the said contractor used to make the payments to the workman engaged by it. M/s Utility Powertech Ltd. (management no. 2) has no role to play except to ensure that the statutory payments are made to the said workmen. Hence, he submitted that claim of the claimant is liable to be dismissed on this ground.

Rejoinder has been filed by the claimants denying the averments made in the written statements of the management no. 1 & 2 and affirmed the facts mentioned in his claim statement.

After completion of the pleadings, vide order dated 12.10.2023, following issues have been framed i.e.-

1. Whether the workman is entitled to relief claimed as per reference? (OPW).
2. If the answer of the issue no. 1 is affirmative, then what relief the claimant is entitled to and from which date?

Now, the matter is listed for workman evidence. Workmen are required to file their affidavits of evidence, but, neither the workmen nor their AR has been appearing from several dates to substantiate their claim.

In these circumstances, when the claimants are not interested in pursuing their case, this tribunal has no other option but to dismiss the claim. Hence, their claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

Date: 04.06.2026

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