

Labour Office Rec.

RA-2014

IN THE COURT OF MRS. SEEMA SINGHAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No.2, GURUGRAM.

Sanjeev Kumar

.....Applicant

Versus

Richa & Co

.....Management

EVIDENCE BY WAY OF AFFIDAVIT

I, Naresh Kumar Nain S/o Lt. Shri Krishan aged 47years working as Asstt. Manager (Personnel) with the respondent company do hereby solemnly affirm and declare as under:

1. That deponent is in the service of respondent Management and holding responsible post since more than 13 Years. Deponent is well conversant with the facts of the case. On perusal of record of petitioner, it is observed that workman joined the service after having accepted terms of contract of service. From the perusal of appointment letter as Ex.P-1/1, it was agreed upon that in the event of absence without any leave, it shall be presumed that workman left the service at his own accord.
2. That workman raised Demand Notice before the Labour-cum-Conciliation Officer wherein workman has categorically submitted that management has terminated the service of petitioner w.e.f. 19.08.2014. The facts stated in the Demand Notice are totally wrong and denied. The Management has not terminated the service of workman at any time but the workman deems to have left the service at his own accord by remaining absent from duty as stipulated in the term of appointment letter ~~Ex.P-1/1~~ referred to above.

Produce minutes of Conciliation Proceedings.

Ex.P-1/1

Intimation/Show cause
was backwages offered

3. That this fact was stated before the Labour-cum-Conciliation Officer while attending the conciliation proceeding on or about 12.01.2015 as stipulated in the failure reported dated 12.01.2015 management submitted before Labour Officer that he was not terminate from service but has himself absounded the job. The comments submitted before conciliation officer is Ex RW1/2, and failure report submitted to Govt. is EX RW1/3, in the failure report there is overwriting regarding refusal of management to take back was in service. In fact dependent/management did refuse to take back him in service meaning thereby, Management has not terminated the service of workman at all and this fact has also categorically stated in the written submission is Ex RW1/3 meaning thereby, there is not termination from service, therefore Section 2A is not attracted at all as there is no termination from service. The workman did not join duty even before submission of management before Labour-cum-conciliation Officer and the Labour-cum-conciliation Officer has not discharged his duty diligently by issuing direction to workman to report for duty. In fact, Labour-cum-conciliation Officer should have directed the workman to report for duty in place of referring the dispute at Govt. the reference. Hence, workman is not entitled for any relief whatsoever.

Place: Gurugram

Date: 22.03.2018


Deponent

Verification: Verified the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been kept concealed therein.

Verified on : 22.03.2018

Place: Gurugram


Deponent