

Misc. DJ No. 53/20

M/s Puri Travels vs Phoolchand Yadav (now deceased)

28.09.2020

Present: None for the workman.
Sh. Deepanshu Gaba, proxy AR
for the management/*Applicant* -

The matter is fixed for today for filing of the copy of the award and also for consideration on the application, filed by the applicant/management Under Order IX Rule 13 of CPC. In the meantime, the Id. AR for the applicant/management had filed the downloaded copy of award dated 10.01.2019, passed by the predecessor of this court and submitted that certified copy of the said award has already been applied by the applicant/*Management* -

File of the case is requisitioned from the Judicial Record Room, Dwarka Courts, New Delhi. *for the next deli of hearing* -

Accordingly, the matter stands adjourned for consideration on the said application on **15.10.2020**.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)

PRESIDING OFFICER: LABOUR COURT-IX

ROUSE AVENUE COURTS, NEW DELHI

28.09.2020



REDMI NOTE 5G
MI DUAL CAMERA

LIR No. 2284/19
Deenanath Sharma vs M/s A.K. Lumbers Pvt Ltd.

28.09.2020

Present: Workman with Sh. Ajit Kumar Singh, AR for the workman through video conference. .
Sh. O. P.Tiwari, AR for the management through video conference.

The matter was earlier referred to the Lok Adalat, but, the matter could not be settled in the Lok Adalat. Today, both the Id. ARs for the parties have appeared through video conference and submitted that the issues may be framed and the matter may be fixed for evidence of the workman.

Since, the pleadings of the parties have already been completed, so, from the pleadings of the parties, following issues arose and are being framed:-

(1) Whether the claimant had worked with the management since 01.02.1989 till 25.05.2017 or claimant worked with the management for 240 days continuously prior to the alleged termination of his services on dt. 25.05.2017 ? OPW

(2) Whether the services of the claimant have been terminated illegally and/or unjustifiably by the Management? OPW

(3) Whether the claimant had abandoned the job by way of contd.



REDMI NOTE 5 PRO
MI DUAL CAMERA

A handwritten signature in blue ink, appearing to be 'K.P. Singh' or similar, written over a horizontal line.

-2-

**absenting from duties w.e.f.
25.05.2017? OPM.**

(4) Relief.

No other issues arises or pressed upon by any of the parties.

In view of huge pendency of cases in this court, the matter stands adjourned for evidence of workman on **10.09.2021**. Workman is directed to file affidavit(s) of all the witness(es) in the court at least one week prior to next date of hearing and supply copy thereof to the management or its AR in the similar fashion.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.

**(PAWAN KUMAR MATTO)
PRESIDING OFFICER:LABOUR COURT-IX
ROUSE AVENUE COURTS,NEW DELHI
28.09.2020**



REDMI NOTE 5 PRO
MI DUAL CAMERA

Misc.DJ No.

Ram Pravesh Rai vs M/s Kumar Food Industries

28.09.2020

Present: Ms. Nandita Abrol, AR for the management.

The photocopy of application under Order IX Rule 13 of CPC along with the case file bearing File of LIR no. 3145/17 and copy of order passed in transfer petition no. 01/20, passed by the Ld. Principal District & Session sJudge -cum- CBI, Rouse Avenue District Court received by Ahlmad of this court, who has told that he has received the file from the Reader of Sh. Ramesh Kumar-II, Id. POLC, Rouse Avenue District Court, New Delhi at 3:00 PM in furtherance of the order dated 25.09.2020 passed by Id. Principal District & Sessions, Rouse Avenue Courts, New Delhi. Ahlmad has put up this filed before this court through Video Conference at 3:30 PM. The application Under Order IX Rule 13 of CPC be checked and registered.

Heard Id. AR for the management. Perused the record.

Issue notices of the application Under Order IX Rule 13 of CPC to both the opposit parties on filing of e.mail addresses, mobile phone numbers, registered covers ADs, complete address of opposite party no.1 and complete sets of documents within 02 days from today. The notices to the workman and his AR are also ordered to be issued through whatsapp and email address, which are returnable on 20.10.2020.

contd.



REDMI NOTE 5 PRO
MI DUAL CAMERA

-2-

Ahmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

Misc.DJ No.

Satish Sharma vs M/s Kumar Food Industries

28.09.2020

Present: Ms. Nandita Abrol, AR for the management.

The photocopy of application under Order IX Rule 13 of CPC along with the case file bearing File of LIR no. 3446/17 and copy of order passed in transfer petition no. 01/20, passed by the Ld. Principal District & Session sJudge -cum- CBI, Rouse Avenue District Court received by Ahlmad of this court, who has told that he has received the file from the Reader of Sh. Ramesh Kumar-II, Id. POLC, Rouse Avenue District Court, New Delhi at 3:00 PM in furtherance of the order dated 25.09.2020 passed by Id. Principal District & Sessions, Rouse Avenue Courts, New Delhi. Ahlmad has put up this filed before this court through Video Conference at 3:30 PM. The application Under Order IX Rule 13 of CPC be checked and registered.

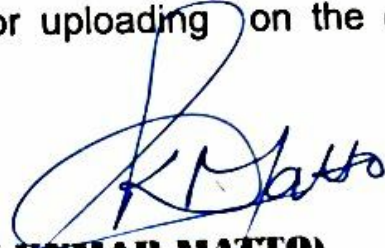
Heard Id. AR for the management. Perused the record.

Issue notices of the application Under Order IX Rule 13 of CPC to both the opposit parties on filing of e.mail addresses, mobile phone numbers, registered covers ADs, complete address of opposite party no.1 and complete sets of documents within 02 days from today. The notices to the workman and his AR are also ordered to be issued through whatsapp and email address, which are returnable on 20.10.2020.

contd.



Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)
PRESIDING OFFICER:LABOUR COURT-IX
ROUSE AVENUE COURTS,NEW DELHI
28.09.2020



Misc.DJ No.
Ram Udgaar vs M/s Kumar Food Industries

28.09.2020

Present: Ms. Nandita Abrol, AR for the management.

The photocopy of application under Order IX Rule 13 of CPC along with the case file bearing File of LIR no. 3147/17 and copy of order passed in transfer petition no. 01/20, passed by the Ld. Principal District & Session sJudge -cum- CBI, Rouse Avenue District Court received by Ahlmad of this court, who has told that he has received the file from the Reader of Sh. Ramesh Kumar-II, Id. POLC, Rouse Avenue District Court, New Delhi at 3:00 PM in furtherance of the order dated 25.09.2020 passed by Id. Principal District & Sessions, Rouse Avenue Courts, New Delhi. Ahlmad has put up this filed before this court through Video Conference at 3:30 PM. The application Under Order IX Rule 13 of CPC be checked and registered.

Heard Id. AR for the management. Perused the record.

Issue notices of the application Under Order IX Rule 13 of CPC to both the opposit parties on filing of e.mail addresses, mobile phone numbers, registered covers ADs, complete address of opposite party no.1 and complete sets of documents within 02 days from today. The notices to the workman and his AR are also ordered to be issued through whatsapp and email address, which are returnable on 20.10.2020.

contd.



-2-

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)
PRESIDING OFFICER:LABOUR COURT-IX
ROUSE AVENUE COURTS,NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

Misc.DJ No.

Yogendra Sharma vs M/s Kumar Food Industries

28.09.2020

Present: Ms. Nandita Abrol, AR for the management.

The photocopy of application under Order IX Rule 13 of CPC along with the case file bearing File of LIR no. 3148/17 and copy of order passed in transfer petition no. 01/20, passed by the Ld. Principal District & Session sJudge -cum- CBI, Rouse Avenue District Court received by Ahlmad of this court, who has told that he has received the file from the Reader of Sh. Ramesh Kumar-II, Id. POLC, Rouse Avenue District Court, New Delhi at 3:00 PM in furtherance of the order dated 25.09.2020 passed by Id. Principal District & Sessions, Rouse Avenue Courts, New Delhi. Ahlmad has put up this filed before this court through Video Conference at 3:30 PM. The application Under Order IX Rule 13 of CPC be checked and registered.

Heard Id. AR for the management. Perused the record.

Issue notices of the application Under Order IX Rule 13 of CPC to both the opposit parties on filing of e.mail addresses, mobile phone numbers, registered covers ADs, complete address of opposite party no.1 and complete sets of documents within 02 days from today. The notices to the workman and his AR are also ordered to be issued through whatsapp and email address, which are returnable on 20.10.2020.

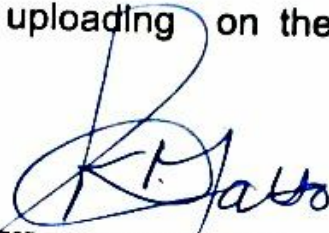
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REDMI NOTE 5 PRO
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Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

Misc.DJ No.
Raj Kumar vs M/s Kumar Food Industries

28.09.2020

Present: Ms. Nandita Abrol, AR for the management.

The photocopy of application under Order IX Rule 13 of CPC along with the case file bearing File of LIR no. 3149/17 and copy of order passed in transfer petition no. 01/20, passed by the Ld. Principal District & Session sJudge -cum- CBI, Rouse Avenue District Court received by Ahlmad of this court, who has told that he has received the file from the Reader of Sh. Ramesh Kumar-II, Id. POLC, Rouse Avenue District Court, New Delhi at 3:00 PM in furtherance of the order dated 25.09.2020 passed by Id. Principal District & Sessions, Rouse Avenue Courts, New Delhi. Ahlmad has put up this filed before this court through Video Conference at 3:30 PM. The application Under Order IX Rule 13 of CPC be checked and registered.

Heard Id. AR for the management. Perused the record.

Issue notices of the application Under Order IX Rule 13 of CPC to both the opposit parties on filing of e.mail addresses, mobile phone numbers, registered covers ADs, complete address of oppposite party no.1 and complete sets of documents within 02 days from today. The notices to the workman and his AR are also ordered to be issued through whatsapp and email address, which are returnable on 20.10.2020.

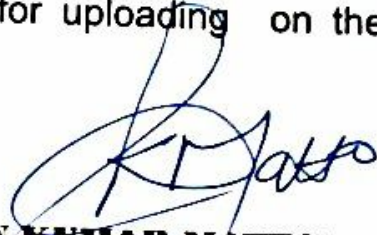
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REDMI NOTE 5 PRO
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-2-

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)
PRESIDING OFFICER:LABOUR COURT-IX
ROUSE AVENUE COURTS,NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

LCA No. 1313/19

Manoj Kumar Jha vs HR, Bajaj Allianz Life Insurance Co. Ltd.

28.09.2020

Present: None for the workman.
Sh. Nitin Desodiya, AR for the management.

The matter is fixed for today for framing of issues, but, today, no one has appeared on behalf of the workman through video conference.

Accordingly, the matter stands adjourned for framing of issues on **19.10.2020**.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.


(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

LIR No. 248/16
Kaushal Kishor Prasad vs Arihant Paper Products

28.09.2020

Present:

Ms.Gyan Mitra, proxy AR for the workman.
None for the management.

The matter is fixed for today for cross examination of the workman.

Today, no one has appeared on behalf of the management through video conference.

Ld. AR for the workman has submitted that workman is desirous to summon some witnesses and she will file an application for summoning of the witnesses and she will also send letter of authority on behalf of the workman today itself.

Accordingly, the matter stands adjourned for cross examination of the workman on **01.06.2021**. Workman is directed to file the affidavits of all the witnesses in the court one week prior to the next date of hearing and supply advance copies thereof to the management or its AR in similar manner.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.

(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
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LIR No. 2910/17
Rajnish Kumar vs Punit Chemicals Pvt Ltd. /Esmaro
Fabricators Pvt Ltd.

28.09.2020

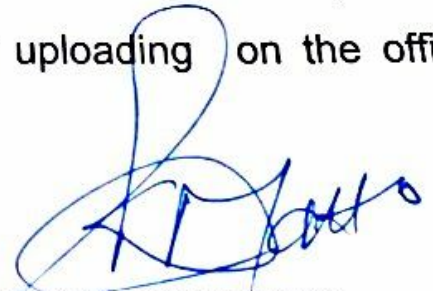
Present: None for the parties.

The matter is fixed for today for evidence of the workman.

Today, no one has appeared on behalf of any of the parties through video conference.

Accordingly, in view of huge pendency of the cases in this court, the matter stands adjourned for evidence of the workman on **08.09.2021**. Workman is directed to file the affidavits of all the witnesses in the court one week prior to the next date of hearing and supply advance copies thereof to the management or its AR in similar manner.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

LID No. 75/18
Surender Kumar vs M/s Galaxy Automobiles Pvt Ltd.

28.09.2020

Present:

None for the workman.

Sh Ravi Mishra, AR for the management.

The matter is fixed for today for evidence of the workman.

Today, no one has appeared on behalf of the workman through video conference

In view of huge pendency of the cases in this court, the matter stands adjourned for evidence of the workman on **09.09.2021**. Workman is directed to file the affidavits of all the witnesses in the court one week prior to the next date of hearing and supply advance copies thereof to the management or its AR in similar manner.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.

(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

LIR No. 8120/16

Sh. Nacem Khan vs M/s KIC Food Product Pvt Ltd.

28.09.2020

Present: None for the workman.
 None for the management.

The matter is fixed for evidence of the management.

Today, no one has appeared on behalf of any of the parties through video conference

In view of huge pendency of cases in this court, the matter stands adjourned for evidence of the management on **22.07.2021**. Management is directed to file affidavits of the witnesses in the court one week prior to the next date of hearing and supply advance copies thereof to the workman or his AR in similar manner.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.

(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



REDMI NOTE 5 PRO
MI DUAL CAMERA

LIR No. 197/17
Jai Kumar Pandey vs M/s Decent Electricals

28.09.2020

Present: None for the workman.
Sh. Maneesh Gumber, AR for the management.

The matter is fixed for consideration on the application, filed by the workman for seeking amendment in the claim.

Today, no one has appeared on behalf of workman through video conference

Accordingly, the matter stands adjourned for the purpose fixed on **29.10.2020**.

Ahmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.

(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020

LIR No. 199/17

Amit Kumar Pandey vs M/s Decent Electricals

28.09.2020

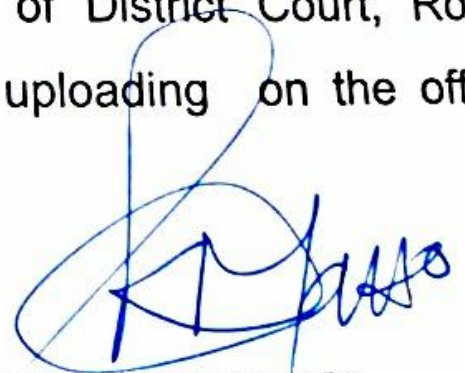
Present: None for the workman.
Sh. Maneesh Gumber, AR for the management.

The matter is fixed for consideration on the application, filed by the workman for seeking amendment in the claim.

Today, no one has appeared on behalf of workman through video conference

Accordingly, the matter stands adjourned for the purpose fixed on **29.10.2020**.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.



(PAWAN KUMAR MATTO)
PRESIDING OFFICER: LABOUR COURT-IX
ROUSE AVENUE COURTS, NEW DELHI
28.09.2020



LID No. 387/19
Sandeep Nakai vs The Associated Press

28.09.2020

Present:

Sh.Vaibhav Dang, AR for the workman.

Sh. Anupam Sinha, AR for the management.

The matter is fixed for hearing further final arguments.

Part arguments heard. Ld. ARs for the parties seek adjournment.

Accordingly, the matter stands adjourned for hearing further final arguments on **15.10.2020**.

Ahlmad of this court is directed to send the copy of this order to the concerned official of District Court, Rouse Avenue Court Complex, New Delhi for uploading on the official website of Delhi District Court.

(PAWAN KUMAR MATTO)
PRESIDING OFFICER:LABOUR COURT-IX
ROUSE AVENUE COURTS,NEW DELHI
28.09.2020



LIR No. 867/18

Randhir Singh Chhikara (Since deceased through LRs) vs. M/s The HT Media Ltd.

28.09.2020

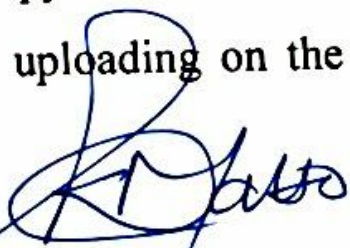
Present: None for the LRs of the deceased workman.
Ms. Raavi Birbal, AR for the management.

The matter is fixed for today for order on the application under Section 151 of CPC filed by the management.

Vide my separate detailed award of even date, said application of the management is allowed. Additional issues have been framed as prayed by the management and clerical error in the issue no.2 is also rectified.

Matter stands adjourned for the date already fixed i.e. 02.03.2021 for evidence of the LRs of the deceased workman. The LRs of the deceased workman are directed to file affidavits of all the witnesses in the court one week prior to the next date of hearing and supply advance copies thereof to the management or it's AR in similar manner.

Ahlmad is directed to send the copy of this order to the concerned official of District Court, RADC for uploading on the official website of the District Court.


(PAWAN KUMAR MATTO)
Presiding Officer Labour Court-IX
Rouse Avenue Courts/New Delhi
28.09.2020

LIR No. 867/18
Randhir Singh Chhikara (Since deceased through LRs) vs. M/s The HT
Media Ltd.

28.09.2020

Order on the application under Section 151 of CPC

1. This order of mine, I will dispose off an application filed by the management under Section 151 of CPC, vide which management sought to frame additional issues.
2. I have heard the Ld. Authorized Representatives for both the parties.
3. The Ld. AR for the management has submitted that the Ld. Predecessor of this court was pleased to frame issues in the present matter on dated 07.03.2019 and submitted that at the time of framing of the issues regarding the preliminary objections taken by the management in para III, IX and XII could not be framed and submitted that in para III of preliminary objection, the management has pleaded that the ingredients of Industrial Disputes are not there in the present case, therefore, the proceedings are without jurisdiction, in para No. IX of preliminary objection of the written statement, the management has pleaded that the claimant had retired and he had taken all the dues, as per his satisfaction and he has approached to the court with the malafide intention and with the ulterior motive and in para no. XII of preliminary objection of the written statement, the management has taken the plea that the present claim of the claimant is barred by Law of Limitation and submitted that since, additional



issues sought be framed by the management arose from the pleading of the management and no prejudice will be caused to the LRs of the deceased workman, therefore, an additional issues regarding the pleas taken by the management in para no. III, IX and XII of the preliminary objections of the written statement may be framed, as the case is at the initial stage, where the evidence of the LRs of deceased workman are yet to be recorded.

4. On the other hand, the Ld. Authorized Representative for the LRs of the deceased workman (who is also one of the LRs of the deceased workman) has submitted that the management has filed the application for seeking framing of additional issue by way of moving an application under Section 151 of CPC and submitted that the provision of Section 151 of CPC cannot be allowed to be invoked for framing additional issues. She has also submitted that this application has been moved by the management in order to cause unnecessary delay in the proceedings of the present matter and submitted that Ld. Predecessor of this court had already framed the issues vide his order dated 07.03.2019, so, no additional issue can be framed, at this stage and prayed for dismissal of the application under consideration.
5. I have given thoughtful consideration to the submissions made by the Ld. Authorized Representatives of the parties and perused the record.
6. The perusal of the record reveals that the Ld. Predecessor of this court was pleased to frame the issues in the present matter vide order dated 07.03.2019 and thereafter, the matter was fixed for the



evidence of the workman, the workman got expired and the LRs of the deceased workman are brought on the record. Matter is already fixed for the evidence of the LRs of the workman for 02.03.2021.

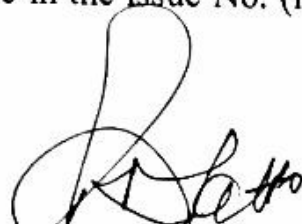
7. The management has moved the application under consideration and sought to frame additional issues regarding the preliminary objections taken by the management in para No. III, IX and XII of it's written statement. Since, the management has taken the pleas in it's written statement that the ingredients of industrial objections of the written statement in para No. III of preliminary disputes are not there and in para no. IX of preliminary objection of it's written statement, the management has taken the plea that the workman had retired and he had taken all the dues, as per his satisfaction and he has approached to the court with malafide intention and ulterior motive and the management has also taken the plea in para XII of preliminary objection that the present claim of the workman is barred by the law of limitation and at the time of framing of issues, the Ld. Predecessor of this court did not frame the issues regarding the preliminary objections taken in para No. III, IX and XII of the written statement of the management.

8. Since, it is settled principle of law that a person, who asserts the facts, he has to prove the same assertions and in the case in hand, the management has taken the preliminary objections in it's written statement, thus, additional issues are sought to be framed, arose from the pleadings of the management and if the additional issues sought to be framed by the management regarding the preliminary objections no. III, IX and XII, are framed, no prejudice is going to be



caused to the LR's of the deceased workman. Even otherwise, the burden of proving the assertions made by the management in its written statement will remain on the management.

9. The Ld. Authorized Representative for the LR's of the deceased workman (who is also one of the LR's of the deceased workman) has submitted that since, the management has filed the present application under Section 151 of CPC, so, the same may be dismissed. No doubt that the provision of Section 151 of CPC provides inherent power to the Civil Court and it cannot be invoked to nullify the other provisions of law. But, it is settled principle of law that the nomenclature is not relevant, even otherwise, this is a Labour Court and only for the reason that the management has filed the present application under Section 151 of CPC, it cannot be thrown away. Therefore, this court does not find any force in the submissions made by the Id. Authorized Representative for the LR's of the deceased workman. Since, the additional issues sought to be framed by the management arose from the pleadings of the management, so, the application filed by the management for framing additional issues regarding the preliminary objections taken by the management in para No. III, IX and XII stand allowed and additional issues regarding the preliminary objections in para no. III, IX and XII are been framed, since, this court has observed that at the time of framing of issue no. (ii) on dated 07.03.2019, some clerical mistake crept and the name of the Industrial Dispute Act is mentioned in place of Working Journalists & Other Newspaper Employees (Conditions of Services) Miscellaneous Provisions Act, 1955. So, the same is clerical mistake in the issue No. (ii) is also rectified. All the



- (i) Whether claimant is not an employee under the *Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955*? (OPM)
- (ii) Whether the claim of the claimant is not maintainable U/s 17(2) of the *Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955*? (OPM)
- (iii) Whether the reference of instant dispute of claimant is bad and without jurisdiction, as claimed by the management in the preliminary objection no. V of its written statement, if so, its effect? (OPM)
- (iv) Whether the instant claim filed by the claimant is beyond the jurisdiction of this court, as claimed by the management in the preliminary objection no. VI of its written statement? (OPM)
- (v) Whether the instant claim is an individual dispute and not an Industrial Dispute in the absence of proper espousal? (OPM)
- (vi) Whether the claimant has already enjoyed the benefits of a CTC, if so, its effect? (OPM)
- (vii) As per terms of reference. (OPW)
- (viii) Whether the claimant is entitled for the relief claimed in the petition? (OPW)

Additional issues:

- (ix) Whether the ingredients of Industrial Disputes are not there in the present case? (OPM)
- (x) Whether the claimant has approached to the court with malafide



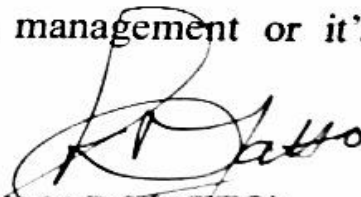
intention and with ulterior motive? (OPM)

*(xi) Whether the claim of the claimant is barred by law of limitation.
(OPM)*

(xii) Relief.

10. In the abovesaid terms, application filed by the management stands disposed off.

11. Matter stands adjourned for the date already fixed i.e. 02.03.2021 for evidence of the LRs of the deceased workman. The LRs of the deceased workman are directed to file affidavits of all the witnesses in the court one week prior to the next date of hearing and supply advance copies thereof to the management or it's AR in similar manner.



(PAWAN KUMAR MATTO)
Presiding Officer Labour Court-IX
Rouse Avenue Courts/New Delhi
28.09.2020