

Govt. of India
National Commission for Minorities
Lok Nayak Bhawan, Khan Market, New Delhi-3

Petitioner: Shri Mohammed Sagir S/o Mohammed Jameel r/o H.No. 110/1, Gali No. 3A, Durga Park, Nasirpur, Dwarka, New Delhi-110045

Respondent: 1. Shri Ramesh Tiwari, Labour Commissioner, Labour Department, Govt. of GNCT of Delhi, 5, Sham Nath Marg, C-Block, Delhi-110054.

2. Shri Harmanpreet Singh Chadha, Managing Director, United International Pvt. Ltd., 51/2 W.H.S. Kirti Nagar, New Delhi-110015

File No. M/DL/20/0098/11

The Bench of the NCM meeting on 28.09.2011 consisted of:

- i. Shri Wajahat Habibullah, Chairperson
 - ii. Shri H.S. Hanspal, Member
 - iii. Smt. Syeda Imam, Member
 - iv. Shri Vinod Sharma, Member
2. Joint Secretary and Legal Officer assisted the bench.

Brief record of hearing held in the Conference Room of the National Commission for Minorities held at 11.00 A.M. on 28.09.2011.

Present:

1. Shri Mohammed Sagir S/o Mohammed Jameel r/o H.No. 110/1, Gali No. 3A, Durga Park, Nasirpur, Dwarka, New Delhi-110045.

2. Shri Ramesh Tiwari, Labour Commissioner, Shri Rajinder Dhar, Joint Labour Commissioner, Shri V.S. Arya, Dy. Labour Commissioner, Dep't. of Labour, GNCT of Delhi.

3. Shri Harmanpreet Singh Chadha, Managing Director, along with Shri K.M. Tripathi and Shri Raj Kumar, United International Pvt. Ltd.

3. The Petitioner Shri Mohammed Sagir submitted that his services were terminated by the Management on 25.03.2011 without any reason and without due process of law. He further submitted that he was working with the company since 1985; from 1995 to 1999 his name was removed from the United International Pvt. Ltd. and was posted with

a sister concern of the company. Thereafter from 2001 his name was transferred to M/s Yosoko Export where he worked up to 2003. From 2004 he was again transferred to M/s United International Pvt. Ltd. He was removed from the job without clearing his legal dues by the company.

4. Shri Harmanpreet Singh Chadha, Managing Director submitted that they don't have any record prior to 2004 with regard to the claim of Mohammed Sagir. He further submitted that Mohammed Sagir worked with M/s United International Pvt. Ltd. from 1994 to 1995 and thereafter left the job. The company from 1997 to 1998 closed its operation and again started operation in 2004 and Mohammed Sagir thereafter joined the company. He further submitted that all the dues of Mohammed Sagir were paid by the management till March 2011 when he stopped attending the office and despite three notices issued by the company to Mohammed Sagir he did not join the company. Therefore the management suo moto made full and final payment by transferring the amount to his account directly.

5. The petitioner in rebuttal submitted that he has documents to prove his claim with regard to length of services with the company. He further submitted that although he tried to settle his claim with the management prior to coming to this Commission he was denied entry into the office of the company.

6. Shri Ramesh Tiwari, Labour Commissioner submitted that under the law he has very limited power to look into the complaint. He further submitted that he can make an effort to resolve the issue by calling both the parties to settle the matter amicably failing which under the law the employee has a remedy to go to the proper forum for his redress. He also submitted that he will depute a higher officer of the rank of Dy. Labour Commissioner to arrange reconciliation between the management and the employee. The Labour Commissioner further submitted that the Management and the petitioner will first sit together and try to amicably settle the issue, failing which they will attend his office on 10th of October 2011 for re-conciliation.

Discussion:

7. The Commission after hearing the parties was view of that in light of the intercession of the Labour Commissioner the matter can be settled between the management and the employee inasmuch as the petitioner has had a long association with the company ownership.

Decision notice:

8. The Commission decided to remand the case back to the Labour Commissioner, who will then appoint an officer of the rank of Dy. Labour Commissioner to make efforts to bring reconciliation between management and petitioner, in case the petitioner and the management fail to arrive at a mutual reconciliation in the first instance.

Sd/-
(Wajahat Habibullah)
Chairperson

Sd/-
(H.S. Hanspal)
Member

Sd/-
(Vinod Sharma)
Member

Sd/-
(Syeda Imam)
Member