**PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903
Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97**

Date of hearing: 17.02.2021

Complainant	:	Sh. Pradeep Sharma
Respondent	:	The Commissioner, Transport Department, through Ms. Alka, S.O. Transport Department – Present. Sh. Rohit Dogra, Legal Executive (DIMTS), Present.
Grievance No.	:	PGC/2020/Labour/13

1.   Brief facts of the case:

1.1   Sh. Pradeep Sharma has filed a grievance in PGC on 29.06.2020 regarding termination from job of himself and nine other employees by M/s Delhi Integrated Multi Model Transit System Ltd. (DIMTS) w.e.f. January 2020.

2.   Facts emerged during the proceedings

2.1   The complainant was present in the hearing and submitted that he and nine other employees were working in Managerial position in M/s DIMTS Ltd., which is an equal equity Joint Venture company between the GNCT of Delhi and the IDFC Foundation. They were forced to resign from their post without giving any notice period and were threatened with termination if they refused to submit their resignation. The complainant wanted reinstatement in the company at some position.

2.2   Ms. Alka, S.O., Transport Department, GNCTD was present in the hearing and submitted an Action Taken Report dated 16.02.2021 stating therein that:-

*1. M/s DIMTS Ltd. is a Joint Venture in the ratio of 50:50 between the GNCT of Delhi and the IDFC Foundation. M/s DIMTS Ltd. is a company registered under The Companies Act.
2. As per The Companies Act, 2013, the definition of a "Government Company' is defined under Section 2(45) of the Companies Act, 2013 is given below:-
"any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or by any State Government or Governments, or partly by the Central*

Government and partly by one or more State Governments, and includes a company which is a subsidiary company of such a Government company".

3. Hence, DIMTS being a private company and GNCT of Delhi does not have any mandate to interfere in its decisions.

4. However, copy of the reply in response to the above said order of PGC, received from DIMTS vide its letter dated 02.02.2021 is also enclosed herewith.

2.3 Sh. Rohit Dogra, Legal Executive (DIMTS) was present in the hearing and submitted that the complainant and other willingly resigned and were not terminated or forced to give resignation.

2.4 The complainant present in the hearing submitted that he tendered his resignation in January 2020 whereas other employees give their resignation in July 2019. He alleged that all the said employees were forced to resign without being given the notice period. Further, the department resorted to humilitating tactics to coerce employees to leave the job.

3. Directions

3.1 Commissioner (Transport), GNCT of Delhi is requested to inquire into the role of M/s DIMTS Ltd. in the matter and a warning letter may be issued to the company for dismissing its employees in an arbitrary manner and that strong action in the form of revoking its licence will be taken if they did not amend their ways.

3.2 As the complainant have no supporting documents to prove that he was being coerced into resigning from his job and his statements are not legally tenable, this Commission cannot go beyond the scope of its mandate for reinstating the complainant to its erstwhile position in DIMTS. *In view of the above, the case stands disposed of.*

(SMT. MADHU SHARAN)
MEMBER (PGC)

No. PGC/2020/Labour/13   Dated:

Copy to:

1. The Commissioner, Transport Department, Govt. of NCT of Delhi, 5/9 Under Hill Road, Rajpur Road, Delhi-110054.

2. The Dy. Labour Commissioner (Distt. East & North East), Labour Department, Govt. of NCT of Delhi, Vishwakarma Nagar, Jhilmil Colony, Shahdara, Delhi - 110095.

3. Sh. Pradeep Sharma