

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 19th April, 2018

Complainant : Sh. Naresh Sahni & Sh. Tilo Ram

Respondent : District Magistrate (North West),
Revenue Department, Govt. of NCT of Delhi,
Village Kanjhawala, Delhi

Grievance No. : PGC/2016/Rev./02
Grievance filed on : 20.02.2018
First hearing in the PGC,
Scheduled on : 19.04.2018

1. Brief facts of the complaint

Sh. Naresh Sahni & Sh. Tilo Ram has filed a complaint against the SDM (Model Town) for non payment of gratuity since 2015.

2. Proceedings in the Public Grievances Commission

The PGC has convened first hearing in the matter on 19.04.2018 and following are present:

Complainant : Sh. Naresh Sahni, Present

Respondent : Sh. Shyam Prakash, Tehsildar, Model Town
Sh. Vinod Kumar, Ballif

3. Relevant facts emerging during the hearing

3.1 During the hearing on 19.04.2018 Sh. Shyam Prakash, Tehsildar (Model Town) is present and submitted a report stating that :

In this regard, it is submitted that two Recovery Certificate in respect of Sh. Naresh Sahni and Sh. Tilo Singh was received in this office vide Dy. Labour Commissioner (District North West) Office letter No. Gr./4/13/NW/Lab. 771-773 (Sh. Naresh Sahni) and Gr./5/13/NW/Lab./774-775 both dated 05.02.2015. The notice was issued to M/s Prabhat Zarda, B-117-118, Industrial Area, GT Karnal Road, Delhi-110033 against whom the RCs were issued, vide this office letter

No. 604/SDM/MT/2015 dated 27.6.2015 (Sh. Naresh Sahni) and 617/SDM/MT/2015 dated 15.09.2015 (Sh. Tilo ShaH). In both the cases, the company M/s Prabhat Zarda Factory (Co.) authorized Sh. K.N.Mehrotra, Manager to appear before the Assistant Collector Gr.II.

Sh. K.N. Mehrotra, Manager submitted some documents including a court order of Sh. S.S.Malhotra, PO, Labour Court No. IX, Karkardooma Courts, Delhi in IDX No.524/11 (Unique Case ID No. 02402CO28904211) vide which the court has ordered that one time lum some compensation for a sum of Rs. 1,00,000/- including the admitted amount of Rs. 25518/- be given to the workman----- . Accordingly, the company had issued a draft No. 102551 dated 07.12.2012 drawn on Axis Bank Ltd. in favour of Sh. Naresh Sahni. The proof of cheque and receipt is enclosed, In the receipt Mr. Naresh Sahni has also mentione that “ I will not claim anyamount in future from M/s Prabhat Zarda Factory (Co.). The receipt also signed by a witness namely Sh. Nazim Hussain, AR for worman Naresh Sahni.

Sh. K.N.Mehrotra, Manager submitted some documents including a court order of Sh. S.S. Malhotra, POI Labour Court No. IX, Karkardooma Courts, Delhi in ID No. 525/11 (Unique case IF No. 02402CO289072011) vide which the court has ordered that one time lum some compensation for a sum of Rs.1,10,000/- be given to the workman----- . Accordingly, the company had issued a draft No. 102552 dated 07.12.2012 drawn on Axis Bank Ltd. The copy of cheque and receipt is enclosed. In the receipt Mr. Tilo Shah has also mentioned that “ I will not claim any amount in future from M/s Prabhat Zarda Factory (Co.). The receipt also signed by a witness namely Sh. Nazim Hussain, AR for workman Tilo Shah.

It is further informed that in reference to the court order as informed by the authorized representative of M/s Prabhat Zarda Factory (Co.) letters No. 548 and 549 dated 10.05.2016 were written (in both cases) to the Assistant Labour Commissioner, District North West, Labour Welfare Centre, Nimri Colony, Ashok Vihar, Phase-IV, Delhi – 110052 vide which Assistant Labour Commissioner was requested to clarify whether the claim no. 524/2011 and 525/2011 was settled or not. But no information was received in this regard from Assistant Labour Commissioner’s office till date.

Sh. Najim Hussain authorized representative of Shop and Commercial Works Union (Regd.) also filed a representation in this office vide diary No. 3823/SDM/MT dated 28.07.2017 and 3822/SDM/MT dated 28.07.2017 regarding pending dues on account of gratuity in respect of Sh. Naresh Sahni and Tilo Shah and another Recovery Certificate was received from the Controlling Authority under Payment of Gratuity Act, 1972 District North West, O/o the Dy.

Labour Commissioner (District North West), Labour Welfare Centre, Nimri Colony, Ashok Vihar, Phase-IV, Delhi – 110052 for recovery of Rs. 18965/- along with 10% simple interest from 08.10.2010 till the date of realization from M/s Prabhat Zarda Factory vide letter No. Gr./5/13/NW/Lab.1222 dated 13.02.2017. In response to the above mentioned representation / RC, notice was issued to the firm and the firm M/s Prabhat Zarda Factory submitted its reply vide letter No. 44 dated 13.11.2017 received in this office vide diary No. 6674/SDM/MT dated 14.11.2017 in which it is stated therein that

“With reference to the above and in response to your notice received on 09.11.2017, we would like to draw your kind attention towards the order of Hon’ble Shri S.S.Malhotra, Presiding Officer, Labour Court No. IX, Karkadooma Court, Delhi, Under Unique Case ID No. 02402CD289042011 vide order No. 524/11 the photo copy of the aforesaid order attached herewith and also along with photo copy of Draft bearing No. 102551 dt. 07.12.2012 drawn on Axis Bank Ltd., Shakti Nagar, Delhi – 110007 receipt of payment by the claimant namely Mr. Naresh Sahni for your ready reference which clearly shows that the entire bank wages, earned wages, reinstatement and all the consequential benefit i.e. including gratuity amount.”

In view of the above, as per the documents available in this office in respect of Sh. Naresh Sahni and Sh. Tilo Shah, it is evidence that this office has taken all the necessary action in this matter.

Copy of the records stated above is enclosed with this reply for kind perusal.

4. Directions of the PGC

In the light of the orders of the Karkardooma Court stating that

“on the basis of above mentioned discussion and taking into consideration the overall facts and circumstances of the instant case at this stage and in the light of above mentioned authorities the court is of the opinion that a one time lump sum compensation for a sum of Rs. 1,00,000 including the admitted amount of Rs. 25,518.8/- to the workman in lieu of his reinstatement back wages and all other consequential benefits would meet the ends of justice in this matter.”

This Commission does not find it proper to pursue the matter any further. Tehsildar is directed that in the light of the order of the Court a request may be sent to ACL to examine and if anything is made out complainant be informed.

With the above directions the matter stands closed at the level of PGC.

(SUDHIR YADAV)
Member (PGC)

Copy to:

1. District Magistrate(North West), Revenue Department, Govt. of NCT of Delhi, Village Kanjhawala, Delhi
2. SDM (Model Town), Revenue Department, Govt. of NCT of Delhi, Near NDPL Office, Azad Pur, Delhi -110033
3. Deputy Labour Commissioner (Distt. North West), Labour Welfare Centre, Nimri Colony, Ashok Vihar, Phase-IV, Delhi - 110052
4. Sh. Naresh Sahni & Sh. Tilo Shah