

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

Grievance No. PGC/2019/A.II/Labour/02

Date of hearing: 10.07.2019

Complainant : Shri Phool Chand – Present.

Respondent : The Commissioner,
Labour Department, GNCTD,

1. Brief facts of the case:

1.1 Shri Phool Chand has filed a grievance in PGC on 11.3.2019 against non payment of correct Gratuity amount.

2. Facts emerged during the proceedings

2.1 The complainant who is present in today's proceedings has not filed a detailed complaint to take further action in the matter. However, he stated that he retired on 30.9.2016 from G 4 S Secure Solutions (India) Pvt. Ltd., Janakpuri, New Delhi after rendering 23 years of service. The said Company was giving him Rs.9678/- as minimum wages on which EPF, ESIC was being deducted. Further, he received a payment of Rs.64,210/- (Rs.61,622/- + Rs.2588/-) but stated that the Gratuity which has been calculated and given to him is incorrect. Hence, he requested the Commission to intervene and do the needful in getting him his legitimate dues as no action has been taken by the respondent department on his request so far. Also, no Action Taken Report was provided by them on earlier letters sent by the Commission under Annexure-I.

2.2 None present on behalf of the respondent department nor has any ATR been filed.

2.3 During the proceedings, the complainant has shown some documents containing his signatures of having received some dues regarding bonus, PF etc. from the company where he has worked. However, he stated that he was forced to sign

the blank papers whereas he has actually not received the same. The complainant further brought to the notice of the Commission that he has even approached the labour court for settlement of his above grievances which has been disposed of by the Court. With regard to his tenure of service, he stated that he was removed from the service one month before his actual date of retirement, as per his date of birth.

2.4 The Commission finds that the complainant has not come out cleanly and has concealed facts about settlement of his grievances in the labour court and that he had signed some documents of having received the amount of PF, bonus etc. Moreover, he was not able to provide any satisfactory response and convince the Commission about his stand in the matter when enquired by the Commission.

3. Directions

3.1 In view of the above facts and circumstances, the Commission is of the view that a cause of action only arises when some rules are violated and justice is denied by the opposite party since in the absence of such an act, no cause of action can possibly accrue. Further, that documents and submissions made by the complainant during the course of hearing today do not give confidence to take action. Hence, the case is dismissed being meritless.

3.2 The complainant is advised to approach Shri K.M.Singh, Dy.Labour Commissioner, along with supporting documents to enable the respondent department to assist him in fulfilling all formalities and suitably guide him with regard to disposal of his other grievances, as per rules.

(MRS. MADHU SHARAN)
MEMBER(PGC)

Grievance No. PGC/2019/A.II/Labour/02

Dated:

Copy to:

- 1 The Commissioner, Labour Department, GNCT of Delhi, 5, Sham Nath Marg, Delhi-10054.
2. Shri Phool Chand.