

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: 20.07.2020

Complainant : Sh. Arun Gupta

Respondent : The Commissioner,
Labour Department,
through
Sh. Sanjay Kumar Gupta,
Dy. Labour Commissioner – Present

Grievance No. : PGC/2020/Labour/05

Grievance date : 02.12.2019

1. Brief facts of the complaint

1.1 Sh. Arun Gupta has filed a grievance in PGC on 02.12.2019 regarding illegal withholding of payment of the Contractor engaged through GEM by the Secretary, Delhi Building and Other Construction Workers Welfare Board with malafide and corrupt motives.

2. Facts emerged during the proceedings

2.1 Sh. Sanjay Kumar Gupta, Dy. Labour Commissioner is present in the hearing and has submitted copy of letter addressed by Ms. Neeru Thakran, Inspecting Officer (HQ) to the Secretary, Delhi Building and Other Construction Workers Welfare Board dated 14.07.2020, stating therein that *“please find enclosed representation of Sh. Arun Gupta dated 20.12.2019 regarding illegal withholding of payment of the Contractor engaged through GEM by the Secretary, Delhi Building and Other Construction Workers Welfare Board with malafide and corrupt motives. Since the matter pertains to DBOCWFB, therefore, the undersigned is directed to forward the complaint in original to you with a request to take necessary action.”*

2.2 Sh. Sanjay Kumar Gupta, Dy. Labour Commissioner present in the hearing stated that the instant matter is about withholding of payment of the Contractor

for the work done by him for the Delhi Building and Other Construction Workers Welfare Board. He further submitted that the Contractor, as per the provisions/rules of the Labour Department, is not covered under the definition of "Workman" and as such, the complainant's grievance does not come under the jurisdiction of the Labour Department.

3. Directions

- 3.1 The case stands closed in the Commission as the instant matter is a dispute between a contractor and government department and according to the Labour Department, a contractor is not covered under the definition of "Workman". As the case is not related to the Labour Department, it cannot be heard in the Commission any more.

**(SMT. MADHU SHARAN)
MEMBER (PGC)**

No. PGC/2020/Labour/05/

Dated:

Copy to:

1. The Commissioner, Labour Department, Govt. of NCT of Delhi,
5 - Sham Nath Marg, New Delhi-110054.
2. Ms. Anita Rana, Dy. Labour Commissioner(Admn.)/HOO,
Labour Department, Govt. of NCT of Delhi, 5 - Sham Nath Marg,
New Delhi - 110054.
3. Sh. Arun Gupta