

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. Nazir Hussain

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

Grievance No. : PGC/2020/Labour/09

Grievance date : 22.01.2020

1. Brief facts of the complaint

1.1 Sh. Nazir Hussain has filed a grievance in PGC regarding non release of his payment as Contractor for the work done by him for M/s Indus & Reliance.

2. Facts emerged during the proceedings

1.1 Sh. Sanjay Kumar Gupta, Dy. Labour Commissioner is present in the hearing and has submitted an Action Taken Report stating therein that *“the complaint has been examined and it is found that the complainant Sh. Nazir Hussain is a contractor himself who has informed that the management is not releasing payment of Rs.2,75,000/- of the Bills raised for the work of M/s Indus & Reliance. From the complaint, it is observed that the dispute between two parties is civil in nature and does not relate to Labour Department. As the complainant does not fall under the definition of Workman and he is a contractor, hence, this department cannot initiate action on the complaint. The complainant may file his claim before the Civil Court. The complainant has been informed in this regard vide letter dated 13.07.2020.”*

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 M/s Indus &

Reliance. 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 a company 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/09

Dated:

Copy to:

1. The Commissioner, Labour Department, Govt. of NCT of Delhi, 5 - Sham Nath Marg, New Delhi-110054.
2. The Additional Labour Commissioner, Labour Department, Govt. of NCT of Delhi, 5 - Sham Nath Marg, New Delhi - 110054.
3. Sh. Nazir Hussain