

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: 16.09.2020

Complainant : Shri Virender Kumar

Respondent : The Commissioner,
Labour Department, GNCTD
Through
Sh. V.K. Rao, Labour Officer (South).

1. Brief facts of the complaint

1.1 Shri Virender Kumar has filed a grievance petition before Public Grievance Commission regarding dismissal from the job by the son of the owner of M/s A.R. Engineering Works Pvt. Ltd., without giving any prior notice.

2. Facts emerged during the proceedings

2.1 Sh. V.K. Rao, Labour Officer (South), Office of Dy. Labour Commissioner (District South), was present in the hearing and submitted an Action Taken Report dated 15.09.2020 stating therein that, *“the workman has filed claim under the Industrial Disputes Act, 1947 before the undersigned on 05.06.2020. Notices were issued to the management for appearance on 27.07.2020, 10.08.2020 and 10.09.2020. On 14.09.2020, the Director of the establishment Sh. S.C. Gupta appeared and the workman was also present. The management informed that the workman has taken full and final dues of Rs.7,000/- on 16.04.2019 and filed receipt of such payment, whereas, workman denied having received any full and final dues. As the settlement could*

not take place hence the matter has been concluded. The reference to the Labour court will be made for adjudication within 15 days. No action is pending on the part of the Labour department.”

2.2 Sh. V.K. Rao, Labour Officer present in the hearing stated that the department issued notices to the management for appearance on three occasions i.e. on 27.07.2020, 10.08.2020 and 10.09.2020. During hearing dated 14.09.2020, both parties i.e. the Director of company Sh. S.C. Gupta and the workman were present. In the hearing, the management informed that the workman were given full and final dues of Rs.7,000/- on 16.04.2019 and filed receipt of such payment, whereas, workman stated that he has not recieved the full and final payment. As both parties could not settle the matter amicably, therefore, the conciliation officer will refer the said matter within 15 days to Labour court for adjudication.

2.3 Sh. V.K. Rao, Labour Officer stated that the management has already sent a cheque of Rs.7000/- to the complainant in April 2019. The complainant has worked in the said company since 2013.

2.4 The complainant's brother/representative joined the hearing late and submitted a letter stating therein that the complainant has worked in the said company since April 2013 and got salary of Rs.5000/- to Rs.6000/- for the next two years. He was employed as permanent employee in the year 2015 by the company. However, as per complainant's brother, he was not given salary as per the Minimum Wages notified by the Delhi Government.

The Delhi Government notified grade of Rs.14000/- as Minimum Wages for the unskilled workers w.e.f. March, 2017. However, the complainant was not given the said grade from March 2017 to December 2018 by the management. After the intervention of Labour department, the management gave grade of Rs.14000/- w.e.f. January 2019.

Thereafter, he was removed from service w.e.f. 17.04.2019 without being served any prior notice. In view of the above malpractices done by the management, the complainant demanded the revised grade of Rs.14000/- w.e.f. March, 2017 notified by Delhi Government for the unskilled workers and the arrears thereof.

The complainant's brother/representative further stated that the management wants to recruit him for service again but is unwilling to give him the arrears resulting out of revised grade of Rs.14000/- w.e.f. March 2017.

2.5 Sh. V.K. Rao, Labour Officer stated that the complainant is inclined to settle the issue through intervention of Labour Court and is not interested in out of court settlement with the management.

2.6 The complainant has two options i.e. either he should forego the arrears due to him for the period March 2017 to December 2018 and join the company afresh as stated by him during the hearing or fight the case in Labour Court or any other Court of Law for payment of his pending dues. The complainant is ready to join the company on the condition that either he should be given a proper appointment letter wherein the total salary, amount deducted as PF, medical facility charges, hours of work, number of leaves to be given annually etc. be described in clear terms or the company should pay all his pending dues/arrears with interest as per law of natural justice. Since he was getting the revised grade of Rs.14000/- per month before his dismissal from the job, the company should give him the same grade of Rs.14000/- per month. The Delhi Government notified grade of Rs.14000/- w.e.f. year 2017, however, the complainant claimed of getting the said grade from 2019 which is also supported by his bank passbook's statement (copy of bank passbook is enclosed).

3. Directions

- 3.1 The case stands disposed of in the Commission as the complainant is ready to join duty and forego his pending arrears in case he is given a proper appointment letter mentioning the details of gross salary, amount deducted as PF etc. and withdraw the case to be adjudicated in the Labour Court. Further, the complainant is at liberty to approach the Labour Department as well as the Commission in case he has any further grievance with regard to his present complaint.

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

No. PGC/2019/Anx.II/Labour/08

Dated: .09.2020

Copy to:

1. The Commissioner, Labour Department, Govt. of NCT of Delhi,
5 - Sham Nath Marg, New Delhi-110054.
- 2.. Shri Virender Kumar