

**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: 21.10.2020

Complainant : Sh. Shambhu Kumar Sah

Respondent : The Commissioner,  
Labour Department,  
through  
Sh. Rajesh Kumar, Labour  
Inspector  
(District South)

Grievance No. : PGC/2020/Labour/15

1. Brief facts of the case:

- 1.1 Sh. Shambhu Kumar Sah has filed a grievance in PGC on 25.08.2020 regarding termination from job by the Manager of Upkeep Society, 98 Hemkunt Tower. The complainant is working there as Fire Supervisor on contract basis from 2004 to till March 2020.

2. Facts emerged during the proceedings

- 2.1 Sh. Rajesh Kumar, Labour Inspector (South) was present in the hearing and has filed an Action Taken Report dated 20.10.2020 and the same is taken on record stating therein that:-

*“The area labour Inspector issued notice to the management for hearing on 19.10.2020, wherein, the management representative Sh. Ratan Ray appeared and submitted that the complainant is a Contractor. He has also furnished copy of contract between M/s Upkeep Society and Sh. Shambhu Kumar Sah executed on 01.05.2019. However, the complainant did not appear on given date. Further, the complainant does not fall under the definition of workman, therefore, the Labour Department do not have jurisdiction in this matter.”*

- 2.2 The complainant was not present in the hearing.

**3. Directions**

- 3.1 The case stands disposed off in the Commission as the complainant has worked in the organization M/s Upkeep Society as a Contractor and is not covered under the definition of workman. Therefore, the instant case does not come under the purview of Labour Department. Further, the complainant is at liberty to approach 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/2020/Labour/15

Dated:

Copy to:

1. The Commissioner, Labour Department, Govt. of NCT of Delhi,  
5- Sham Nath Marg, New Delhi-110054.
2. Sh. Amardeep, Dy. Labour Commissioner (Distt. South),  
Labour Department, Govt. of NCT of Delhi, A-Wing, 1<sup>st</sup> Floor,  
Room No.122, Pushp Bhawan, Pushp Vihar, Delhi - 110062.
3. Sh Shambhu Kumar Sah