

*"No carelessness until there is a cure Wear mask,  
follow physical distancing & maintain hand hygiene".*

**PUBLIC GRIEVANCES COMMISSION**

**GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI**

**M-Block , I.P. Estate (near ITO) Vikas Bhawan: New Delhi-2**

**Order under Para 2(B) of the PGC Resolution No. F.4/14/94-AR/dt. 25.9.97**

Date of hearing: 21.07.2022

Complainant : Sh. Raghunandan Yadav – Present.

Respondent : The Commissioner,  
Labour Department,  
through Sh. Shashi Bhushan,  
Labour Officer - Present.

Grievance No. : PGC/2022/A.II/Labour/06

**1. Brief facts of the case**

- 1.1 Sh. Raghunandan Yadav has filed a grievance in PGC aggrieved by non-release of salary and gratuity to him by M/s Surjit Fuel Depot (Indian Oil Agency), R.K. Puram, New Delhi. The complainant stated in his grievance that he worked for 43 years in the said agency. However, the agency has not released his legitimate dues till date.

**2. Facts emerged during the proceedings**

- 2.1 Sh. Shashi Bhushan, Labour Officer, Office of Dy. Labour Commissioner (South West), GNCTD filed an Action Taken Report stating therein that:-  
*"The proceeding before the Controlling Authority under the Delhi Shops and Establishments Act, 1954 is quasi judicial. A claim was filed under the Delhi Shops and Establishments Act, 1954 by Sh. Raghunandan Yadav on 21.01.2021. Summon dated 22.01.2021 was issued to the management M/s Surjit Fuel Depot (Indian Oil Agency), R.K. Puram, New Delhi – 110022. Summon has been duly served upon the respondent. Despite that, respondent failed to appear and file reply, hence, respondent was proceeded ex-parte on 25.02.2021. Thereafter, on 16.08.2021, Sh. Anjani Kumar Chaudhary filed application dated 28.09.2021 for setting aside order dated 25.02.2021. The application of*

the respondent is allowed and the respondent filed reply on 03.11.2021. On 03.12.2021, claimant filed rejoinder and matter was fixed for framing of issues. On 06.04.2022, issues were framed. Now, the matter was fixed for claimant evidence on 02.08.2022. The claimant and their representative Delhi Pradesh Kamgar Ekta Sangh appeared on the dates of hearing before the Authority and they are well aware about the proceedings.

Complainant Sh. Raghunandan Yadav also filed claim before the Controlling Authority i.e. Labour Officer under the Payment of Gratuity Act, 1972. The proceeding before Controlling Authority is quasi judicial. Notice was issued to the management for appearance and filing of reply. On 03.03.2021, Sh. Anjani Kumar Chaudhary, Advocate was present and sought time to file reply. On 23.08.2021, management filed reply and copy of same supplied to the claimant for filing of rejoinder. On 06.04.2022, claimant filed rejoinder and matter was fixed for framing of issues. On 13.05.2022, respondent was absent, hence, proceeding done ex-parte. On 18.07.2022, Sh. Ashwini Kumar was present on behalf of management and filed application for setting aside of application for order dated 03.05.2022. The application for set-aside is allowed and the management is directed to submit record on the next date i.e. 02.08.2022.

On receipt of complaint of Sh. Raghunandan Yadav addressed to Hon'ble Commission, notice issued to the management and directed to file written reply and records under the Delhi Shops and Establishments Act, 1954 and Minimum Wages Act, 1948, matter is fixed for 28.07.2022. Action Taken Report of Labour Inspector Sh. Sandeep Kumar on complaint filed before the Hon'ble Public Grievances Commission is also enclosed herewith."

- 2.2 The complainant stated that he worked for almost 43 years in the agency. He alleged that he was not paid salary for the period w.e.f. 01.06.2013 to 19.11.2013 and gratuity till date. He had requested the Labour Department officers to check the attendance register and his past service records in order to verify the services rendered by him in the said agency. The complainant further submitted that he has already filed a case with regard to his present grievance in the Labour Court, GNCT of Delhi.
- 2.3 The Labour Officer submitted that the department can only verify attendance of past three years from the attendance register, as stipulated



under Rule 26A of the Minimum Wages Act, 1948. He further submitted that the complainant has filed his case pertaining to the present grievance under the Delhi Shops and Establishments Act, 1954 and the Payment of Gratuity Act, 1972 in the Labour Court, GNCT of Delhi.

3. **Directions**

- 3.1 The complainant submitted during the hearing that a case regarding the present grievance is pending in the Labour Court. Hence, the matter, being sub-judice, cannot be heard further in the Commission.
- 3.2 With these observations, the case stands disposed of.

O/C *Mrs. Madhusharan*

(MADHU SHARAN)  
MEMBER (PGC)

No. PGC/2022/A.II/Labour/06 *5348-5350*

Dated: *25/7/22*

1. The Commissioner, Labour Department, Govt. of NCT of Delhi,  
5- Sham Nath Marg, New Delhi-110054.
2. Sh. H.N. Singh, Dy. Labour Commissioner, District South West, Labour Department,  
Govt. of NCT of Delhi, DTC Colony, Pratap Nagar, Hari Nagar,  
New Delhi – 110064.
3. Sh. Raghunandan Yadav, House No. RZ-D-22/B, Mahavir Vihar Sector-1,  
Dwarka, New Delhi – 110045.

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