

**BEFORE COMMISSIONER EMPLOYEES COMPENSATION
(THE EMPLOYEES COMPENSATION ACT, 1923)
OFFICE OF JOINT LABOUR COMMISSIONER (SOUTH)
LABOUR DEPARTMENT, GOVT. OF N.C.T. OF DELHI
PUSHPA BHAWAN, PUSHP VIHAR, NEW DELHI - 110062**

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No. CEC/SD/D/11/2020/ 3652-54
No. CEC/SD/D/26/2019

Date: 24/3/21

IN THE MATTER OF:

Smt. Ram Dulari Devi & Ors.
through Bhartiya Pravasi Mazdoor Union,
1770/8, 3rd Floor, Govindpuri Extn.,
Main Road Kalkaji, New Delhi - 110019.

... Claimant

V/s

M/s Central Information Commission (P.E.)
Baba Gangnath Marg, New Delhi

Respondent No 1

Sh. Naresh Reddi (Contractor)
M/s Alfa Security & Allied Services
131, 1st Floor, Uday Park,
New Delhi - 110049.

Respondent No 2

ORDER

1. Vide this order I shall disposed of claim application dated 25.04.2019 received through Regional Labour (Central) and application dated 02.03.2020 filed by claimant under section 22 of the Employees Compensation Act, 1923. (Herein after referred as an Act). Both the claims have been clubbed together as both the claims have been filed for Death Compensation in respect of Sh. Rajkumar, against the same employers.
2. The claimant has filed a claim against the respondents under Employees Compensation Act, stating that Sh. Rajkumar was employed with respondent no.1 through respondent no.2 as Security Guard. That on 01.04.2019 while he was on duty at around 4:00 AM in the morning he fell down and died on 09.04.2019 due to non availability of proper treatment. The claimants have demanded Rs.50,000,00/- as compensation.
3. Summons were issued to all the parties. The respondent no 2 i.e. M/s Alfa Security & Allied Services filed reply stating that claimant is covered under ESIC vide no. 2017326015. The respondent no. 2 has also filed the copy of



e-challan payments for the period August 2018 to March 2019, wherein it is shown that the contribution have been regularly deposited against the name of Sh. Rajkumar. The respondent has submitted that since Sh. Rajkumar was covered under ESIC, therefore this office does not have jurisdiction in the matter.

4. I have gone through the pleadings of the parties and documents submitted by them.

Section 53 of ESI Act bars institution of cases under Workman Compensation Act or any other law for a insured person, which reads as under:-

Section 53 in The Employees' State Insurance Act, 1948

53. Bar against receiving or recovery of compensation or damages under any other law.—An insured person or his dependents shall not be entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under the Workmen's Compensation Act, 1923 (8 of 1923), or any other law for the time being in force or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act.

5. Since the claimant is insured with ESIC vide IP no 2017326015 therefore in view of bar under Sec 53 of ESI Act, 1948 the claim is not maintainable under Employee's Compensation Act. The claim is dismissed accordingly.
6. Given under my hand and seal of this Authority on this 22nd day of **March, 2021**


(Amardeep)
Commissioner Employee's Compensation
(South)

