

**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/I/19/2019/ 13143-44  
CEC/SD/I/50/2019

Dated: 23/4/21

IN THE MATTER OF:

Sh. Virender Sharma @ Bachchan Sharma  
S/o Sh. Vindeshwari Sharma  
R/o H. No. 18, Gali No. 4  
Shakti Vihar, New Delhi

... Claimant

V/s

Sh. Than Chand S/o Sh. Chhiddi Lal  
Vashisht Farm, Hari Nagar Part-2  
Jaitpur, South Delhi- 110044

... Respondent


**ORDER**

1. Vide this order I shall disposed of claim application dated 08.03.2021 filed by claimant under section 22 of the Employees Compensation Act, 1923. (Herein after referred as an Act) and EAR dated 30.09.2019 filed by the police.
2. The claimant has filed a claim against the respondent i.e. Sh. Than Chand S/o Sh. Chhiddi Lal under Employees Compensation Act stating that he was employed by respondent as a Labour on last drawn wages Rs. 15,000/- per month. That on 10.03.2018 at about 01:00 Hrs. when he was on his duty, the respondent ordered the claimant to prepare the lift at 3<sup>rd</sup> Floor, at E-09 A, Vikas Traders, Main Service Road, Hari Nagar Part-2, Saurabh Vihar, New Delhi. On the direction of the respondent the claimant was as standing on the fatta at 3<sup>rd</sup> Floor of the building for fixing/tying the lift. Suddenly the fatta on which the claimant was standing broke down and he fell down on the ground. He sustained multiple injuries. He was taken to AIIMS Trauma Center and MLC No. 500082806 was prepared by the doctor. The accident has occurred out of and during the course of

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employment due to which the claimant became disabled. He has prayed that the management be directed to pay Rs. 50,00,000/- as compensation with interest @ 12 % per annum.

3. Summons was issued to both the parties but none appeared, therefore the notice was issued through SHO. Thereafter the respondent has appeared and filed his written statement however the claimant did not appear. Again summon was issued through SHO, as per the report of the SHO the claimant does not reside at the address mentioned in the notice. In the mean time the claimant filed his claim through his advocate on 08.03.2021. Thereafter several dates were fixed i.e. 22.03.2021, 08.04.2021, 07.07.2021, 06.08.2021, 31.08.2021 and 22.09.2021 but the claimant did not appear despite service of notice. It seems that the claimant is not interested in his case, therefore case has been dismissed in default for non prosecution.
4. Given under my hand and seal of this Authority on this 23<sup>rd</sup> day of **September, 2021**.



(Amardeep)

**Commissioner Employee's Compensation (South)**