



सत्यमेव जयते

राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार

Government of National Capital Territory of Delhi
श्रम विभाग / LABOUR DEPARTMENT

कार्यालय उप श्रमायुक्त
जिला: पूर्व उत्तर-पूर्व
विश्वकर्मा नगर, झिलमिल कॉलोनी
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No. F. CEC-I/ED/11/2020

Dated 04.03.2021

In the matter of: -

Sh. Dharmender S/o Sh. Jai Singh

R/o H.No. 493A D-1, Gali No.14, Harsh Vihar, Delhi-93

..Claimant

Through Delhi Dukan evam Sansthan Kamgar Union

277, Pratapkhanda, Vishwakarma Nagar, Delhi-110095

..Claimant's A.R.

V/s

M/s Storm Infracon Pvt. Ltd.

Through Sh. Dinesh Seth & Sh. Shakti Seth

Head Off:- Plot No.18, Sector Ecotech-XII,

Greater Noida, U.P.-201310

Also At:

M/s Storm Infracon Pvt. Ltd.

Through Sh. Dinesh Seth & Sh. Shakti Seth

Main Off:- 16, Kiran Vihar, 1st Floor,

New Delhi-110092

...Respondent

For Claimant - Sh. Dharmender with
Sh. V.K.Agarwal, A.R.

For Respondent - Sh. Sudhir Gupta, A.R.

Proceeding-cum-Order Sheet

1. Claimant and A.R. of claimant filed a claim application dated 11.11.2020 subsequent to Hon'ble NHRC reference vide case no. 5155/30/02/2019 dated 16.12.2019 vide which the claimant has filed a complaint before NHRC stating therein that he met with an accident during course of employment while going to Meerut for office work and he met with a road accident and got injury in his right leg. In the claim his last drawn wages has been mentioned as Rs.22,000/- and his age at the time of accident has been mentioned as 43 years. The claimant has disclosed 40% of disability and claimed compensation to the tune of Rs.3,37,037/- from the respondent. At the same time, the claimant filed an application for assessment of medical disability certificate and he was referred to Dr. Hedgewar Arogya Sansthan for getting medically examined and issuance of disability certificate.

21/03/2021
4/3/21

Sh. V.K. Agarwal
A.R.

Sh. Sudhir Gupta
A.R.

2. Notices were issued to the respondent and A.R. of the respondent appeared on 15.02.2021 and received copy of claim and requested for time to file reply.

3. In the meantime, disability certificate in respect of claimant Sh. Dharmender Singh was received from Chairman (Disability Board), Dr. Hedgewar Arogya Sansthan vide letter no. 1/274(3)/Court Cases/DB/DHAS/2020-21/1138 dated 28.01.2021 assessing temporary physical disability of 16% to the claimant.

4. The respondent agreed to make the payment as per provisions of Employee's Compensation Act, 1923.

5. That the claimant stated that he was 43 years of age as on the date of accident i.e. 30.11.2018 and filed copy of Aadhar Card no. 441618975021 wherein his date of birth has been shown 01.07.1975 and according to claimant his age is considered 43 years as on date of accident. It is mentioned that the claimant was working as Driver and was drawing wages @ Rs.22,000/- per month at the time of accident but for the purpose of calculation of amount of compensation, the last drawn wages of is taken as Rs.8,000 which is the maximum limit of wages fixed for the purpose of calculation of compensation under the provision of law.

6. That in view of the above facts and circumstances and on the basis of 43 years of age the relevant applicable factor i.e. 175.54 and R8,000 per month wages, the amount of compensation to which claimant is entitled is calculated as under:-

(i) Relevant factor of 43 years of age	=175.54
(ii) 60% of last drawn salary @ R 8,000 pm	= 4,800
(iii) Percentage of Disability	= 16%
(iv) Amount of Compensation	= 175.54 X
	4,800 X 16/100
	=
	Rs.134,814.72 i.e.
	Rs.1,34,815/-

7. That in view of above facts and circumstances and the documents placed on record, it is held that the claimant is entitled to receive an amount of Rs. 1,34,815/- as injury compensation from the respondent. The claimant filed photocopy of medical bills of Rs. 5,522/- which the respondent agreed to pay.

8. That as per the provisions of the Act, the respondents should have make the payment of compensation within one month from the date it fell due i.e. 30.11.2018, but the respondents fail to do so. Therefore, as per the provisions of Clause (a) of Sub Section (3) of Section 4A of the Act, the claimant is also entitled for simple interest @ 12% p.a. on the amount of compensation i.e. Rs.1,34,815/- w.e.f. 30.11.2018 to 04.03.2021 which comes to Rs. 37,856/- thus totaling the total amount of Rs. 1,34,815/- (injury compensation) plus Rs. 37,856/- (interest) plus Rs.5,522/- (medical expenses) which comes to Rs. 1,78,193/-.

9. As imposing penalty u/s 4 of the Act on respondent is concerned, both the parties have informed the undersigned that they have been mutually discussing the matter and respondent has been cooperating with the claimant and therefore, this Authority is of the opinion that the respondent has cooperated during the proceedings and is ready to make the payment immediately, therefore, penalty of 10% on the injury compensation amounting to Rs.13,482/- has been imposed on the respondent

10. At this point of time, the claimant/A.R. of claimant stated that they want to withdraw the present claim under Employee's Compensation Act, 1923 stating therein that the matter has been settled between them and the respondent in presence of his authorized representative. The claimant/A.R. of claimant filed a settlement deed bearing signature of both the parties along with copy of pay order no. 29595, 96, 97 dated 04.03.2021 for Rs.20,000/-, Rs.25,000/- and Rs.1,35,000/- drawn on HDFC Bank, Chawri Bazar, New Delhi and a cheque no. 004880 dated 04.03.2021 drawn on HDFC Bank, Chawri Bazar, New Delhi and stated that he has received the above said cheques. Claimant also filed a copy of his aadhar card.

11. Since the payment has been made to the claimant in accordance with the provisions of Employee's Compensation Act, 1923 and the request has been made by claimant/A.R. of claimant, therefore, the matter is closed as settled and withdrawn.

File be consigned to record room and copy of this proceeding to be given to the concerned parties by dasti.

Given under my hand and seal on 04th day of March, 2021



(K.M.SINGH)

Commissioner under
Employee's Compensation Act, 1923