

मन्यमेव जयते
GOVT. OF NCT OF DELHI
BEFORE THE COMMISSIONER, EMPLOYEE'S COMPENSATION
OFFICE OF THE DY. LABOUR COMMISSIONER,
LABOUR DEPARTMENT (EAST & NORTH EAST DISTRICT)
VISHWAKARMA NAGAR, JHILMIL COLONY, DELHI-110095

No.CEC-I/NE/13/2021/

In the matter of:

Sh. Ved Prakash S/o Sh. Kishan Swaroop
R/o H. No.-124, Amit Vihar, Loni, Ghaziabad, U.P.-201102

C/o Indian Council of Trade Unions
A-20A, E-Block shivangi Kunj,
Pachim Puri, New Delhi-63

... Claimant

V/s

M/s Hari Ram & Brothers
Through its Owner Sh. Hari Ram
Y-1, Vishnu Gali Mandoli Industrial Area,
Delhi-110093

M/s Ball Metal
Y-1, Vishnu Gali, Mandoli Industrial Area,
Delhi-110093

.....Respondent

Proceeding-cum-Order Sheet

Date: 29.10.2021

Present:

For Claimant- Sh. Ved Prakash with Sh. Srinath Singh, A/R and Sh. Deepak Kumar
(Advocate)

For Respondent- Sh. Sachin Sehgal, A/R

The claimant has filed an application under the Employees Compensation Act, 1923 (hereinafter referred as an Act), claimant injury compensation from the respondent M/s Ball Metal, Y-1, Vishnu Gali, Mandoli Industrial Area, Delhi-93 on account of injury sustained by him during the course of employment. The claimant has stated that he was working on the post of operator since 15.10.2019 with hard work and honesty and his last drawn wages is stated to be Rs. 14,000/- per month. The claimant has stated that he is 49 years of age. The claimant has stated that he has not given any chance of complaint to the respondent and there were no allegations against him during the working period. The claimant has further stated that he has not provided with statutory facilities available to him under labour laws. The claimant has further stated that on 20.01.2021 at around 9:00 A.M, when he was working on a machine, two of his fingers of left hand got cut due to some fault in machine. The claimant has

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the respondent has assured him for payment of compensation but now the respondent is not paying him the compensation and requested to direct the respondent to pay him the compensation.

That notices were issued to the respondent but appeared on behalf of the respondent.

That claimant moved an application for assessment of his disability and a letter no. CEC-I/NE/13/2021/4689 dated 29.09.2021 was issued to Medical Director, G.T.B. Hospital for assessing disability in terms of loss of earning.

That an application dated 18.10.2021 was moved by the claimant and A/R of the claimant mentioning therein that the name of the respondent is M/s Hari Ram and Brothers and not M/s Ball Metal and the address remain unchanged.

That notices were issued to M/s Hari Ram and Brothers and the respondent appeared and filed a letter dated 26.10.2021 mentioning therein that the claimant is covered under ESIC having insurance no. 1014575253 along with copy of E-pehchan card of the same number having the name of claimant.

That since the matter is covered under ESIC and Section 53 of the ESIC Act states as under:

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.*

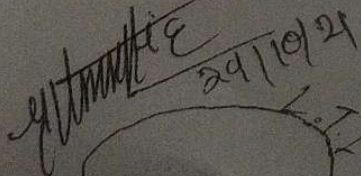
That since the matter is covered under ESIC therefore Section 53 of ESIC Act bars the claimant to file the present application.

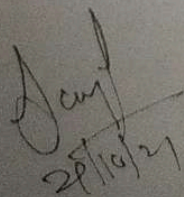
That moreover both the parties stated that they have mutually settled the matter for a sum of Rs. 1,75,000/- (One Lakh Seventy Five Thousand Rupees) out of which the respondent paid Rs. 40,000/- in cash and Rs. 1,35,000/- vide cheque no. 000868 dated 26.10.2021 drawn on Axis Bank Ltd. Shahdara, New Delhi-92 to the claimant in presence of his Authorised Representative.

That after receipt of above said amount, the claimant and AR of claimant requested to close the matter as withdrawn and settled. Since, the matter is covered under ESIC and the settlement has been arrived between the parties and therefore request of the claimant is allowed as the matter is closed as withdrawn and settled.

Copy of the order be given Dasti to the parties.

Given under my seal and signature on 29th October, 2021.





K.M Singh
Commissioner