

BEFORE COMMISSIONER
UNDER EMPLOYEES COMPENSATION ACT 1923
LABOUR DEPARTMENT, GNCT OF DELHI, SOUTH WEST DISTRICT
DTC COLONY, PRATAP NAGAR, HARI NAGAR, NEW DELHI-64

No. EAR (D)-24/SWD/2017/2391-93

Dated:- 24/12/2017

In the matter of:-


Sh. Sujit Paswan S/o deceased workman Sh. Anil Kumar
Village Bharwara, P.S. Hasanpur, Distt.- Samastipur,
Bihar

.....Claimant

V/S

Sh. Anil Kumar Gupta,
C-132, Ph-II, Mayapuri,
Delhi -

Also at

 Sh. Anil Kumar Gupta,
D-134, Alpha -I, Greater Noida,
U.P.

.....Respondent

ORDER

1. Whereas, intimation has been received through EAR filed on 11.08.2017 by IO PS Mayapuri. It has been stated in the EAR report that on 14.03.2016 a wall collapsed at C-132, Ph-II Mayapuri, and one labourer namely Sh. Sujit Paswan S/o Anil Kumar aged 25 yrs buried beneath the collapsed wall and brought dead to the hospital stating that he met with an accident during and in the course of employment under the respondent. The detail of employer mentioned in the said EAR i.e. Sh. Anil Kr. Gupta, R/o D-134, Alpha -I, Greater Noida, U.P. Documents alongwith the said EAR have been enclosed i.e. copy of Final Form Report under Section 173 Cr. P.C. filed before the Court of Ld. M.M. Tis Hazari Court, Delhi. Name of accused has been mentioned in the said final report Sh. Anil Kr. Gupta, Sh. Pawan Paswan & Sh. Sukh Ram and they were released by police on bail. Copy of FIR no. 0132 dated 14.03.2016 alongwith statement of accused and other persons recorded by the IO of the case. It has been mentioned in the said FIR that at about

01.05 P.M. on 14.03.2016 vide DD No. 18A. It has been informed to Operator PCR that at C-132, Mayapuri, Ph-II a building has collapsed and ASI Bijender visited the accident site and stated that Plot at C-132, Ph-II Mayapuri was found digging at basement and left side of it a wall was found collapsed.

2. Summon dated 02.04.2018 were sent to the respondent for appearance. Sh. Raj Rishi Advocate appeared alongwith respondent Sh. Anil Kumar Gupta and filed letter of Authority and copy of said EAR was supplied to him for filing written reply. Respondent filed WS stating therein that the deceased Sh. Surjit Paswan S/o Sh. Anil Kumar was not employed at any point of time by the Respondent. It has been further mentioned that the EAR report as filed by the Police is not supported with any proof that the deceased was working under the control and supervision of the respondent. Respondent further mentioned that the respondent was neither the employer of the deceased nor the respondent is liable to make any payment of death compensation to the claimant and requested to exonerate the proceeding against the respondent.

3. As per the documents filed by the IO alongwith EAR and contents of the FIR also the documents relating to bail of the respondent in criminal case registered against the respondent in the FIR in question it has been established that the deceased workman Sh. Sujit Paswan S/o Sh. Anil Kumar has died during the course and out of his employment under the respondent at C-132, Ph-II, Mayapuri, Delhi. Hence, the dependent/legal heirs are entitled to received death compensation.

4. **Relief:**

Next comes as to what amount of compensation the claimant is entitled. The deceased employee was aged 25 years at time of his death. In view of the age and wage, the dependent/legal heirs of deceased workman are entitled to death compensation as under:-

Relevant factor – schedule IV for 25 years of age	:	216.91
50% of wages @ Rs. 8,000/- pm per month. As per section 4	:	Rs. 4,000/-
Amount of compensation calculated	:	216.91 X 4000
	:	Rs. 8,67,640/-

5. As per the provisions of Sub Section (3) of Section 4A of the Act, the amount of compensation should have been paid by the Respondent to the legal heirs/ dependants of deceased within one month from the date of accident but the respondents has not yet paid the same. Therefore, the dependant of deceased Sh. Sujit Paswan S/o Sh. Anil Kumar also entitled for interest @12% on the compensation amount w.e.f. 14.03.2016.
6. Therefore, respondent is liable to pay the amount of death compensation, hence directed to deposit an amount of **Rs. 8,67,640/- (Rupees Eight Lacs, Sixty Seven Thousand, Six Hundred Forty only)** on account of employment death compensation, payable to legal heirs/dependent of deceased Sujit Paswan S/o Sh. Anil Kumar along with simple interest @ 12% p.a. w.e.f. 14.03.2016 till its realization through Pay order in favour of "Commissioner, Workmen Compensation" (District-South West)" within a period of thirty (30) days from the date of issue of this order for further disbursement to the claimant/dependant of deceased.
7. The respondents are also directed to **show cause as to why penalty** not exceeding fifty percent of the compensation amount be not imposed upon him under Section 4 (A) (3) (b) of the Employees Compensation Act, 1923 for the default in paying the compensation due under the Act within one month from the date it fell due. The respondent is directed to appear before this Office on **27.01.2021 at 11.00 A.M.**

Given under my hand and seal of on the 24th December, 2020.


(Gurmukh Singh)
Commissioner,
Under Employees Compensation Act, 1923