

By Speed Post



**BEFORE SH. KUNWAR MANOJ SINGH: AUTHORITY
UNDER THE DELHI SHOPS & ESTABLISHMENT ACT, 1954
GOVT. OF NCT OF DELHI, LABOUR DEPARTMENT
OFFICE OF THE DY. LABOUR COMMISSIONER
(EAST & NORTH EAST DISTRICT)
VISHWAKARMA NAGAR, JHILMIL COLONY, DELHI-110095**

SE/NE/77/2021/1070-1072

Dated: 05/07/22

In the matter of:-

Sh. Shakil Ahmed S/o Sh. Kadeer Ahmed
397, Islam Nagar, Zalif Nagla, Milak,
Rampur, U.P-247301

.....Claimant

Through
Delhi Dukan Evam Sansthan Kamgar Union
277, Pratapkhand, Vishwakarma Nagar,
Delhi-110095

.....Claimant's A.R.

V/s

M/s Farukh Fabrication
Through its Proprietor, Sh.Farukh
C-43, 4th Floor, Mochi Wali Gali,
Old Seemapuri, Delhi-110095

...Respondent

ORDER

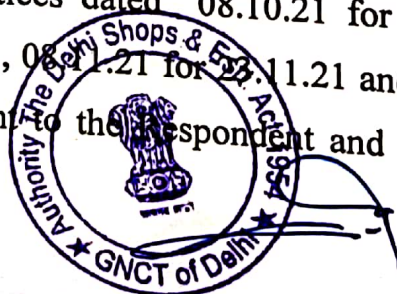
1. This order will dispose of the claim application dated 28.09.2021 filed by the claimant in this office under the Delhi Shops & Establishment Act, 1954 (hereinafter referred to as an Act) wherein the claimant has stated that he has been working on the post of Silai Karigar since 01.01.2019 as a piece-rate employee and his last drawn average ~~shops & est.~~ Rs.25,000/-. The claimant has also stated that he was working with full dedication and



Page 1 of 4

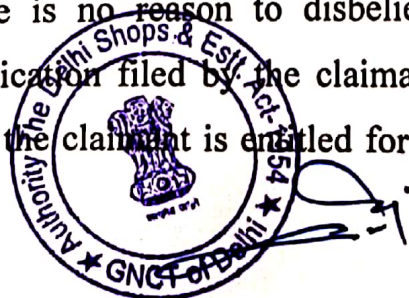
honesty and never given chance of any complaint during his services. The claimant has further stated that he was not provided with the facilities available to him under Labour Laws i.e appointment letter, attendance register, attendance card, etc. which he demanded continuously from the respondent due to which respondent got annoyed and withhold his earned wages for the month of March and April, 2019. It is further submitted by him that when he demanded the same, respondent terminated his services illegally and unlawfully on 19.05.2019 and stated that he will clear all his dues on next month. The claimant has further stated that the respondent has given false assurances to pay his due earned wages but did not pay his earned wages till March, 2020. Thereafter, on 22 March, 2020 Lockdown was announced by the Government of India. The claimant has stated that after lockdown he approached the respondent for paying his due earned wages on which the respondent stated that the firm was not working and did not pay his earned wages for the month of March, April and 19 days of May, 2019 which is totaling to Rs.65,833/-. The claimant has sent a demand notice dated 21.09.2021 through Union to respondent but the respondent neither replied nor made payment of salary to the claimant and has prayed to direct the respondent to make payment of Rs.65,833/- towards his due earned wages for the month of March, April and 19 days of May, 2019 alongwith interest and penalty.

2. That notices dated 08.10.21 for 13.10.21, 21.10.21 for 29.10.21, 08.11.21 for 23.11.21 and 02.12.21 for 17.12.21, were sent to the respondent and as per Track report of



speed-post receipt No. ED10169040IN, the notice was served on the Respondent but the Respondent did not appear, therefore, Respondent was proceeded Ex-parte.

3. The claimant filed evidence by way of Affidavit dated 22.12.2021 duly attested by Notary Public as Exbt. WW1/A alongwith the documents WW1/1 to WW1/4 i.e. copy of Aadhar-card as Exbt. WW1/1, copy of pocket diary remaining balance payment as Exbt. WW1/2, Copy of demand notice dated 21.09.2019 and speed post as Exbt. WW1/3 and copy of courier receipt dated 24.09.2019 as Exbt. WW1/4 and tendered the same on 24.12.2021 and the matter was fixed for arguments.
4. That later on during the proceedings, Sh. Farukh appeared on behalf of respondent and stated that he has not aware of being ex-parte and requested to provide copy of claim application, copy of claim was given to him and the matter was fixed for filing the application for setting aside ex-parte proceedings alongwith reply and the matter was fixed on 19.04.2022. The respondent again requested for time to file application for setting aside ex-parte proceedings and reply on 19.04.2022 and the matter was fixed on 11.05.2022 and again on 11.05.2022 the respondent neither filed application for setting aside ex-parte proceedings nor reply to the claim application and therefore matter was reserved for orders.
5. That since ample opportunities were give to the respondent even after the respondent was proceeded ex-parte therefore there is no reason to disbelieve the contents of claim application filed by the claimant and therefore it is held that the claimant is entitled for wages for the period from



March, April and 19 days of May, 2019 @ Rs.25,000 p.m. which comes to Rs.65,323/- since the respondent has not paid the wages to the claimant on time therefore penalty/additional compensation of Rs.3,000/- is also awarded to the claimant.

6. As discussed above, it is held that applicant/claimant is entitled to receive the above payment of due earned wages under the Act. Hence, in exercise of powers conferred upon this authority by Sub-Section-3 of Section 21 of the Act, Respondent/Management is hereby directed to pay Rs. 68,323/- to Sh. Shakeel Ahmed towards earned wages for the period from March, April and 19 days of May, 2019 which includes penalty/additional compensation also. The respondent/management shall make the payment of earned wages alongwith compensation as stated above to the claimants within 30 days from the date of this order, under intimation to this Authority failing which proceedings to recover the same shall be initiated as per the provisions of Section-21 of the Act.

Given under my hand and seal on 5th day July of 2022.



[Handwritten signature]

**(K.M.SINGH)
AUTHORITY**

Under The Delhi Shops & Establishment Act, 1954