

By Speed Post

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. EC(I)-24/SWD/2019/2394-96

Dated 24/12/2020

**In the matter of :**

Sh. Asha Ram S/o Sh. Bhup Ram,  
R/o RZ-B-114, Narsing Garden,  
Khayala, Delhi

..... Claimant

Versus

Sh. Ganesh Industries  
Thr. Its Prop.  
RZ-14, Narsing Garden,  
Khayala Delhi -110018

Dinesh Kr. S/o Sh. Ram Kumar  
R/o H.No. 322, Village Ishar Hari,  
P.S. Bahadurgarh, Distt. Jhajjar, Haryana


.....Respondent

**ORDER**

1. Vide this order, I shall dispose of the claim filed on 24.07.2019 by the claimant seeking injury compensation under Employee's Compensation Act, 1923.

2. The Injured/Claimant Sh. Asha Ram S/o Sh. Bhup Ram mentioned in the claim that he was employed with Respondents as Helper. The claimant further stated that he was working under the instruction/direction of Respondent at RZ-14 Narsing Garden, Khayala, Delhi. The claimant also stated that while working he told the respondent that the machine is not functioning properly, but the respondents did not pay any heed to his

request. On 05.06.2018 during the course of employment his fingers i.e. 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> of left hand came under the machine and sustained crush injuries. After the accident he was immediately taken to Guru Gobind Singh Hospital for treatment. During treatment his three fingers of his left hand were amputated by the doctor and he suffered permanent disability @ 16%. The claimant has further stated that FIR No.182/2018 dated 19.07.2018 was registered u/s 287/337 IPC against respondent in P.S. Khayala Delhi and MLC was also registered at Guru Gobind Singh Hospital. The claimant states that he is entitled to receive injury compensation as per The Employee's Compensation Act, 1923.

-  3. Summon dated 21.08.2019 alongwith copy of claim was sent to the respondent to appear and file written statement. Respondent Sh. Dinesh Kumar, Prop. of Sh. Ganesh Industries appeared and stated that the accident occurred during the course and out of employment with the respondents while the claimant was working on the power press machine. The copy of the claim was again served to respondent for filing of WS. Thereafter, lockdown was imposed throughout the country hence, proceeding could not be held in the matter. After the lockdown summon was sent to the respondents with direction to appear and file WS. Respondent despite receipt of summon failed to appear and file WS. Hence, was proceeded ex-parte.
4. As the respondent appeared on 21.08.2019 in person before the Commissioner Employees Compensation and admitted the occurrence of accident in which he has stated that the claimant sustained injury during the course and out of his employment with him.



In view of the admission of the fact and order XII, Rule 6 of the Code of Civil Procedure, 1908 as it is a case of admission of an accident/death during the course out of employment under the Respondent, which is quoted as under :-

6 Judgment on admission :- (1) Where admission of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admission.

Since, it is an admitted case and is covered under Order XII Rule – 6 of Code of Civil Procedure, 1908, no further evidence is required.

In view of the above made discussion, the compensation is calculated as under :-

$$\begin{aligned} & \frac{\text{Age Factor} \times \% \text{ of disability} \times 60\% \text{ of wages}}{100} \\ & = \frac{163.07 \times 16 \times 4800}{100} \\ & = \text{Rs. } 1,25,238/- \end{aligned}$$

6. In view of the above calculation respondent is liable to pay injury compensation Rs.1,25,238/- (One Lac Twenty Five Thousand Two Hundred Thirty Eight Only) on account of compensation payable to the claimant along with interest @ 12 % p.a. w.e.f. 05.06.2018 till its realization, through Pay order in favour of "Commissioner, Workmen Compensation" (District-South West)" within a period of thirty (30) days from the pronouncement of this order for disbursement to the Claimant.

Given under my hand and seal of the 24<sup>th</sup> day of December 2020.

  
(Gurmukh Singh)  
Commissioner

Under The Employees Compensation Act, 1923  
South West District