

GOVT. OF NCT OF DELHI
BEFORE THE COMMISSIONER EMPLOYEE'S COMPENSATION/
DY. LABOUR COMMISSIONER (DISTT. NORTH EAST / EAST) VISHWAKARMA
NAGAR, JHILMIL COLONY, DELHI-110095

No. CEC-D/ED/01/2020/334

dated 08.03.2021

In the matter of:-

Sh. Teji Lal F/o Sh. Phool Dev @ Domo Yadav
Ward no.106, Village Chhajna, Post, Sonpatahi,
Thana Baubarhi, Sonpatahi, Madhubani, Saptahi, Bihar-847401

Sh. Sakal Dev Yadav S/o Sh. Teji Lal Yadav
(Brother of deceases Sh. Domi Yadav)
A/95, Shitla Mata Road, Sector-5,
Gurugram, Haryana-122022

..Applicant/L.R. of deceased

V/s

M/s Kaveri Print Process Pvt. Ltd.
Through its Directors/Owner
Ms. Aarti Goel and Ms. Sunita Goel,
Plot No.114, Patparganj Industrial Area,
Delhi-110092

..Respondent

For Claimant - None present
For Respondent - Sh. Ajay Jain

Proceeding-cum-Order Sheet

The matter was seized by the then Commissioner Employee's Compensation on receiving information through publication in various newspapers wherein it was mentioned that a person namely Sh. Phool Dev, expired due to outbreak of fire in M/s Kaveri Printing Press in Patparganj Industrial Area. Thereafter, copy of FIR no.0011 dated 09.01.2020 lodged in P.S. Patparganj Industrial Area U/S 285/304A of IPC 1860 was also obtained.

Notice U/s 10a of the Employee's Compensation Act, 1923 was issued to the Respondent who vide reply dated 24.01.2020 has submitted that the deceased Sh. Phool Dev in common was known and called by this name but as per documents availed by him, his name was recorded as Sh. Domi Yadav and he was insured with code no. 1014497388 with ESIC. The respondent requested to close the matter stating that the deceased is covered under ESI vide insurance no. 1014497388 and the accident report has also been submitted by employer to ESIC and their claim is pending with ESIC. The respondent has submitted that Section 53 of ESIC Act, 1948 bars against receiving or recovery of compensation or damages under any other law and is re-produced as under: -

'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.'

Notice was issued to ESIC also who vide letter no. D/SRO/NN/1014497388/263 dated 16.02.2021 has informed that the dependant benefit has been given to the dependants of deceased Sh. Domi Yadav, a copy of which was given to claimants and the matter was fixed for confirmation of transfer of amount into account of dependants of deceased but none appeared on behalf of claimants and ESIC.

In view of above, letter filed by ESIC showing the dependant benefit being given to the dependants to the deceased and deceased being covered under ESIC, the matter is closed as dismissed and non-maintainable as the same is covered under ESIC.

Given under my hand and seal on this 8th day of March, 2021


8.3.21
(K.M.SINGH)
Commissioner,

Under Employee's Compensation Act, 1923