

OFFICE OF THE COMMISSIONER (LABOUR)
GOVT. OF NCT OF DELHI
5-SHAM NATH MARG, CIVIL LINES, NEW DELHI- 110054

No 15(93)Lab/2021/ 82/2-82/4

Dated: 31/01/2023

ADVISORY

A Committee was constituted under the Chairmanship of Sh SC Yadav, Additional Labour Commissioner and Sh Gurmukh Singh, JLC(North-West), Sh. Amardeep JLC(East/North-East) as its members to examine the issues relating to institution of claims and disbursement of compensation under Employees Compensation Act, 1923 and suggests SOP for uniform practice among all the Compensation Commissioners in NCT of Delhi The Committee has submitted its report which has been accepted and an Advisory dated 24/01/2023 was issued, however, the same is withdrawn and the following SOP is advised in this regard.

1. Section 10A provides for suo-motto deposit by the employer Section 4A provides for provisional deposit where the employer is in doubt about the precise amount to be deposited Section 10 A(3) seeks the response of the employer to show the reason for not depositing the compensation, irrespective of the fact whether an application under Section 22 has been filed or not
2. On receipt of claim application if it is received by postal means the examination of the application may be done in other cases notices be issued to seek response of the respondent/s. The proceedings should be held as per the Act and rules made thereunder and in absence by CPC.
3. Respondent's are required to file written statement within 30 days as per Order V Rule 1 CPC therefore unnecessary adjournments should not be given at any stage of the hearing except on justifiable grounds.
4. In suitable situation/cases, response of the respondent may be sought as per Section 10A(3) of the Employee's compensation Act, 1923 to require them to deposit compensation.
5. The fair opportunity should be provided to everyone, but it must not be stretched too much for prolonging justice The cause list should be programmed in such a way so that an adjournment in general is not taken for a longer period. Cause list may be categorized - as per the situation vis pleading, evidence/arguments
6. Evidence by way of documents is certainly better evidence but it does not mean that every case must be proved by documentary evidence. There can be situations where there are blind accidents, it is not that oral testimony cannot prove a case provided that it is scrutinized to reveal the truth and technicality and upper side brilliance of a worker. Doors of justice must not be closed for poor and penniless. The Hon'ble Apex court as also the Hon'ble High Court/ have ruled in numerous cases where oral testimony had been succeeded in proving a case.

30/1

7. For arguments parties may be asked to file written brief arguments. Parties may be asked for oral arguments but fixing a case for the purpose on numerous occasions be discouraged.
8. CE.C/s would make endeavour to pass an order within 15 days of concluding of the proceedings
9. The copy of the order should be provided to all the parties concerned by all means, dasti of speed post. The period of 60 days for appeal shall start from the date of the order.
10. In case an appeal has been filed against the order of the Commissioner before Hon'ble High Court within time prescribed under Law and the management/respondent has filed an application on affidavit, before the Commissioner that they are preferring appeal and has also requested not to disburse the amount deposited by them. In such cases at least a notice should be sent to the respondent giving him at least 15 days time before disbursement, asking him as to why the amount deposited by them should not be disbursed to the claimants
11. Claimants would not be unnecessarily required to bring surety. As there is no such provision under the Employee's Compensation Act. 1923 also this practice has not been adopted by the Labour Department while disbursement of the amount in other Acts and also in no other Count the surety is being asked at the time of disbursement of the decreed amount.
12. Disbursement would be made in accordance with the provisions of the Employee's Compensation Act, 1923 and the Rules made there under as well as the existing guidelines.

This issues with the approval of Commissioner (Labour)

16/30/23
(S.C. Yadav)
Additional Labour Commissioner

To

All Employees Compensation Commissioners.

Copy to-

1 PS to Commissioner(Labour). 2 System Analyst to upload the Advisory on the website of the Labour Department.