

**BEFORE SH. S.C YADAV, COMMISSIONER**  
(UNDER EMPLOYEES' COMPENSATION ACT, 1923)  
LABOUR DEPARTMENT, GOVT. OF N.C.T. OF DELHI  
5, SHAM NATH MARG, DELHI-110054

No. ECI/34/NW/2020/28

Dated: 29/04/2024

IN THE MATTER OF:

**Sh. Rajeev Singh S/o Sh. Devender Singh**  
H.No. 364-365, Sultanpuri, Delhi - 110086

...Applicant/Claimant

V/s

**Sh. Dinesh Jain - Owner**  
**M/s Dinesh Jain Indicator Factory,**  
A-46, Mangeram Park, Delhi - 110086

.....Respondent

**ORDER**

1. Vide this order, I will dispose of the application dated 08/09/2020 filed by the applicant/claimant for seeking injury compensation.
2. Claimant in the claim petition stated that he has been working with the above mentioned management for the last 3 years on the post of Machine man with a monthly salary of Rs 15,000/-. That he always worked with great hard work and honesty as per the orders of the management. That he did not give any opportunity to the management to complain, as a result of which there was no allegation of any kind against him during his service period. That the management was not providing legal facilities to the employees like appointment letter, attendance card, leave book, pay slip, annual and casual leave, overtime money, bonus and minimum wage, ESI etc. which were demanded verbally. That the management got angry and started harassing them under anti-worker policies, abusing every now and then. It is further submitted that the machine on which he was working was malfunctioning and he repeatedly asked the management to get it repaired, but the management said that they will get it repaired when the mechanic comes and said that nothing will happen and directed to do the work as they say. That on 20/3/2020, he was working on the machine as usual when due to a malfunction of the machine, his right hand got into an accident with the machine and the thumb of the hand was cut and a terrible accident occurred. That the





management got the first treatment done in a private clinic and after that neither got the treatment nor paid for the treatment whereas he himself got his treatment done at Sanyaj Gandhi Memorial Hospital Mangolpuri Delhi. That the management had earlier said that he will be given complete treatment and the accident compensation will also be given, but they flatly refused to give any treatment or money, but also fired him from the job from 12/4/2020 and no outstanding amount was given. That the management refused to give him the earned salary, leave, bonus, overtime, minimum wage arrears, treatment money and accident compensation etc. Thus, firing from the job is also illegal and a violation of Section 25-F of the ID Act. That the accident occurred while on duty due to the negligence of the management, for which the management himself is guilty and responsible. In the end the claimant prayed that the Hon'ble Commissioner to consider the non-payment of accident compensation amount to the employee by the management as illegal, accident compensation of Rs. 6,29,760/- along with 50 percent penalty and interest should be recovered from the management and should be given to him along with the cost of treatment of Rs 1,00,000/-.

3. Summon was sent to the respondent with direction to appear before this Authority to file reply in the matter.
4. Further, it is to state that as per tracking report of summon dated 13/10/2021 it shows that the respondent intentionally refused to receive the said summon and also AR of claimant filed envelope containing earlier summon dated 05/04/2021, which was also not been received by the respondent. Hence, seeing this conduct of the respondent, he was proceeded ex-parte on 24/02/2022 and the matter was fixed for the evidence of the claimant.
5. Claimant filed statement by way of affidavit Ex. WW1/A. The contents of affidavit are corroborative to those claim petition the claimant also filed documents Ex. WW1/1 to WW1/3 i.e. copy of Police complaint to SHO, PS Budh Vihar, dated 12/04/2020, copy of demand notice dated 03/07/2020, copy of DTDC courier tracking dated 10/07/2020. His statement was also recorded on 30/01/2023.
6. On the pleading of the parties, evidence adduced on their behalf and the arguments addressed thereon, I have to give my findings as under:-

### Relief

7. Since the respondent was proceeded ex-parte on 24/02/2022 as such I have left no option except to allow claim of claimant and accordingly I hold that claimant is entitled to receive injury compensation from the respondent as he had met accident out of and in the course of his employment to respondent.



8. As made discussion above for relief I am taking age of claimant as 29 years (as per date of birth 01/01/1991 mentioned in Aadhar Card No.548846379316) and relevant factor 209.92 and 60% of last drawn wages restricted to 8,000/- and 40% disability, as such calculation is made as under:

$$\frac{209.92 \times 4800 \times 40}{100} = \text{Rs. 4,03,046/-}$$

The applicant/claimant is also entitled to interest as per Section 4A of the 'Act' @ 12% per annum from 30 days after the accident.

9. Therefore, the applicant/claimant is entitled to receive injury compensation from respondent. Accordingly I direct respondent to deposit **Rs. 4,03,046/- (Rupees Four Lakh Three Thousand and Forty Six Only)** on account of compensation payable to the applicant/claimant along with interest @ 12% P.A. w.e.f. 19/04/2020 till its realization **within 30 days** through pay order in favour of "**Commissioner Employee's Compensation**" within a period of 30 days from pronouncement of the order before this Authority.
10. As far as imposition of penalty under Section 4A (3) (b) is concerned, a further show cause notice is issued to the respondents as to why penalty as provided under the Act be not imposed on them.
11. Given under my hand and seal of this Authority on this 29<sup>th</sup> day of April, 2024.

(S.C. Yadav)  
Commissioner  
Employee's Compensation Act, 1923

