



GOVERNMENT OF N.C.T. OF DELHI  
BEFORE THE AUTHORITY UNDER THE DELHI SHOPS &  
ESTABLISHMENT ACT, 1954:  
OFFICE OF THE DY. LABOUR COMMISSIONER EAST AND NORTH EAST  
DISTT., VISHWAKARMA NAGAR, JHILMIL COLONY, DELHI-110095

NO.SE/ED/68/2020/2571-2575

Dated: 04/07/22

In the matter of:

Sh. Harkinder S/o Sh. Dwara Singh  
H.No. 112, Gali No.3, Durgapur Vistar,  
Delhi-110093

.. Claimant

V/s

M/s PWD  
Through its Engineer in chief  
Head Quarter, 5<sup>th</sup> Floor,  
MSO Building, New Delhi-110002

Also at:  
Through Executive Engineer, PWD  
Office of the PWD, Guru Govind Singh University  
18, Quarter Pulia, Suraj Mal Vihar,  
New Delhi-110092

.. Respondent No.1

M/s NKG Infrastructure Limited  
Through its Director Sh. P.K. Garg,  
Registered Office:204, Kailash Building,  
26, K.G, Marg, New Delhi-110001

.. Respondent No.2

M/s JMK Management Services Pvt. Ltd.  
Through its Director Sh. Ganga Sagar,  
Sh. Rupender & Satvir  
H.No. 143, Gali No. 13, Sain Vihar, Ghaziabad  
UP- 201001

.. Respondent No.3

Order

1. Vide this order, I hereby dispose off the claim application dated 05.08.2020 filed by the claimant Sh. Harkinder in this office



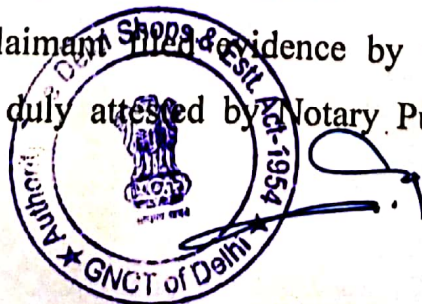
under the Delhi Shops & Establishment Act, 1954 (hereinafter referred to as an "Act") wherein the claimant has stated that respondent no.1 has given contract to respondent no.2 who has further contracted the work of security to respondent no.3. It has further been stated that he was employed by respondent no.3 on the site since 06.09.2019 on the post of Site Manager and his last drawn wages was Rs.20,000/- per month. The claimant has further stated that the respondent no.3 was not providing facilities available to him under Labour Laws like appointment letter, salary slip, overtime and were also not paying leave for festival and national holidays and when he demanded the same respondent no.3 got annoyed and terminated his services without making the payment from September, 2019 till January, 2020. The claimant has further stated that he filed a complaint dated 03.03.2020 wherein due to typographical mistake wherein the period of claim got typed January and February, 2020 instead of September, 2019 to February, 2020. The claimant has sent a demand notice dated 24.07.2020 which was received by respondent no.2 and respondent no.3 but they neither paid the earned wages nor replied the same. In the last, the claimant has prayed to direct the respondents to make the payment of earned wages from September, 2019 to February, 2020 @ Rs.20,000/- p.m. totaling to Rs.1,20,000/- with interest and penalty.

2. That notices were sent to all the parties and respondent no.2 appeared in the proceedings and filed reply stating therein that they have issued a work order for supply of Security Guards, Security Supervisors and Gunmen and the claimant signed the work order on behalf of respondent no.3 as its authorized representative. Respondent No.2 has also stated that the claimant has stated that he was employed as Site Manager at the



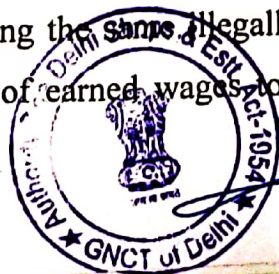
site of respondent no.3 and his last drawn salary was Rs.20,000/- from respondent which itself is sufficient to establish that he was not deployed at the site of M/s NKG Infrastructure Limited (R-2). Respondent No.2 has also stated that if any liability exists in case of claimant it pertains to respondent no.3 and not on them. Respondent No.2 has also stated that the demand notice received by them was replied to the Union and has prayed to drop their names from the proceedings.

3. That rejoinder to the reply filed by respondent no.2 was filed from the claimant side denying the contents of reply and reiterating the contents of claim.
4. That respondent no.1 and respondent no.3 neither appeared in proceedings nor filed any reply therefore they were proceeded ex-parte on 18.10.2021.
5. That on pleadings of both the parties i.e claimant side and respondent no.2 following issues were framed as agreed by the parties-
  - (i) *Whether the claimant Sh. Harkinder Singh is entitled for wage as claimed by him for the period as mentioned in the claim application?*
  - (ii) *And if so, at what rate & to what amount is the claimant entitled for?*
  - (iii) *And any other relief?*
6. That thereafter respondent no.2 also did not appear in the proceedings despite service of several notices, therefore, he was proceeded ex-parte on 17.12.2021.
7. That the claimant filed evidence by way of affidavit dated 19.11.2021 duly attested by Notary Public Exbt. as WW1/A



alongwith other documents as Exbt.WW1/1 to WW1/5 i.e copy of Aadhar Card, copy of office identity card issued by JMK Management dated 01.09.2019, copy of contract agreement between JMK Management and NKG Infrastructure received by Sh. Harkinder Singh on the behalf of JMK dated 05.09.2021, copy of demand notice dated 24.07.2019 and copy of courier receipt dated 24.07.2020.

8. That the claimant filed written arguments on 23.03.2022 mentioning the same as stated in his claim application and evidence.
9. That on perusal of the documents placed on record, it is noted that the claimant himself has admitted that he was employed by the respondent no.3 on the post of Site Manager and his last drawn wages is stated to be Rs.20,000/-. Since, respondent no.3 did not appear in proceedings and was proceeded ex-parte therefore it is held that the claimant was in employment of respondent no.3 and is entitled for wages for the period from September, 2019 to February, 2020 @ Rs.20,000/- p.m. which comes to Rs.1,13,333/- since the respondent no.3 has not paid the earned wages on time therefore an additional compensation of Rs.5,000/- is also granted to claimant.
10. That as discussed above, it is held that 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 No.3 is hereby directed to pay the claimant his due earned wages as decided above i.e. Rs. 1,13,333/- alongwith penalty of Rs.5,000/- for not making the payment of due earned wages and withholding the same illegally. The respondent shall make the payment of earned wages totaling to Rs.1,18,333/- 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 4<sup>th</sup> Day of July 2022.



  
(KONWAR MANOJ SINGH)  
AUTHORITY

Under The Delhi Shops & Establishment Act, 1954