



Speed Post/Whatsapp/E-mail/
Courier/BH/Dasti

**COMMISSIONER UNDER EMPLOYEE'S COMPENSATION ACT, 1923
(DISTT. SOUTH-EAST)**

**LABOUR DEPARTMENT, GOVT. OF NCT OF DELHI
LABOUR WELFARE CENTER, BAL MUKUND KHAND
GIRI NAGAR, KALKAJI NEW DELHI-110019**

No. CEC/SED/D/35/2024 7094 - 7097

Dated 20/12/2024

In the matter of:

Sh. Deepak Kumar Pariyar and Mrs. Savitri
Parents of Late Ms. Asha
R/o Morna, Sector-35
District Gautam Budh Nagar
Noida (U.P.) - 201301

ofc

.....LR of Deceased

Also at:

Sh. Deepak Kumar Pariyar
B-174, Sector-81, Noida
Gautam Budh Nagar, U.P.-201301

.....LR of Deceased

V/s

Sh. Angad Bhasin
S/o Sh. Maninder Singh Bhasin
C/o Sh. Rajat Lumba (Landlord)
R/o 40/25, 3rd Floor
C.R. Park, New Delhi-110019

.....Employer

Sh. Angad Bhasin
S/o Sh. Maninder Singh Bhasin
Presently residing at:
MM-56, Madhya Marg
DLF Phase-2, Sector-25
Gurgaon, Haryana-122002

.....Employer

ORDER

1. This order shall dispose of the notice issued under section 10A (1) of the Employee's Compensation Act, 1923. A death incident was reported by SDM, Kalkaji, District South East vide order dated 13.11.2023 issued under section 174 of the then CRPC, 1973 wherein it was informed that a lady aged 20 years Ms. Asha D/o Sh. Deepak Kumar has fallen from height in the premises of Sh. Angad Bhasin at his C.R. Park residence. Along with the aforesaid order of the SDM Kalkaji, copy of statement of Sh. Angad Bhasin, summon dated 20.10.2023, MLC, ID Card of father and mother of the deceased, statement of the Investigating Officer, Affidavit of Sh. Deepak Pariyar (Father), report u/s 174 Cr.PC, PM report, GD numbers, statement of father, statement of mother, statement of maternal uncle, statement of Sh. Angad Bhasin, statement of the neighbours



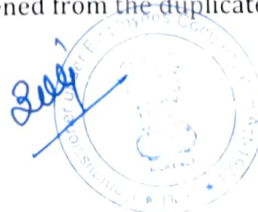


CA 7

Speed Post/Whatsapp/E mail/
Courier/BH/Dust

of Sh. Angad Bhasin, statement of guard, body identification of mortuary, aadhar card of father, mother, seizure memo, photographs of incidence site etc. have been enclosed. The concerned SDM has forwarded his report/order to the Commissioner Employees' Compensation, with the advice to take cognizance of the death case and release compensation amount, if any in favor of the LR of the deceased as per law.

2. A notice dated 08.10.2023, 15.01.2024, 23.02.2024, 28.03.2024, 08.05.2024, 10.09.2024 and 01.11.2024 was issued to Sh. Angad Bhasin and also to the PS-Kalkaji directing the Investigating Officer to ensure the presence of Sh. Angad Bhasin before the Commissioner Employees' Compensation. On none of the dates of hearing, Sh. Angad Bhasin appeared nor any reply was received from PS-Kalkaji. On the date of hearing 03.01.2024, 09.07.2024 and 05.08.2024 Sh. Sameer (Brother of deceased) appeared, while on dates of hearing 15.02.2024 and 07.03.2024 Sh. Deepak (Father of deceased) appeared before the CEC, however claim was not filed by any of them and they orally prayed for release of compensation whatsoever payable to her under this circumstance.
3. On 19.12.2024, a report was received from PS - Kalkaji wherein the concerned official informed that a GD No. 103A dated 27.08.2022 was received on call in PS-Kalkaji in which it was informed to them that a girl has fallen from the height and she was taken to AIIMS Hospital and MLC was conducted vide no. 500331923. Later on, she was identified as Ms. Asha D/o Sh. Deepak Kumar who was working as a domestic helper in the House no. 25, Pocket No. 40, 2nd Floor, C.R. Park, New Delhi-110019. Detailed investigation was conducted by the concerned IO including crime scene, photograph, recording of statement of the caller and the parents of the injured. Later on, on 08.09.2022 Ms. Asha died during the treatment which was recorded vide GD No. 25A and postmortem was done vide no. 479/2022 in which the cause of death is injury due to blunt force-falling from height. On detailed investigation, it was found that she was trying to enter the flat from her terrace with the help of stalls/chunni through the window and while doing so she fell and got injured and later on expired. She was doing so because door was auto-locked from inside. The Police did not find any suspicion of death and therefore has not filed any FIR and close the case u/s 176 CrPC on 13.11.2023. The copy of GD entry no. 103A dated 27.08.2022 and 25A dated 08.09.2022 is filed.
4. In view of above-mentioned contexts, following are the vital facts which is highlighted beneath which have appropriate relevance with the case:
 - a) In this case, no claim has been filed either by the father/mother/brother of the deceased. The case has been initiated u/s 10A(1) of the Employees Compensation Act, 1923 as per the advice of SDM Kalkaji.
 - b) It is an admission on the part of the employer Sh. Angad Bhasin that the lady Ms. Asha was working in a flat of C.R. Park as domestic help/maid where she was taking care of the house and the pet. Sh. Angad Bhasin stated that he has the work of Garment Exports and he has gone to America during this period 12.08.2022 to 06.09.2022. He got a call from his mother that the door of his flat is locked from inside and key has remained inside only and they were going to Delhi to find out the situation. In the meantime, he got a call from his neighbor that his maid has fallen from the terrace. The flat was opened from the duplicate key of the landlord.





C-26

Speed Post/Whatsapp/E-mail/
Courier/BH/Dasti

Earlier also, Ms. Asha has forgotten to take the key and the door was auto-locked from inside. She was informed earlier also to go the terrace in such situation.

- c) The statement of Sh. Deepak (Father) revealed that her daughter Ms. Asha was working as a maid in the C.R. Park premises of Sh. Angad Bhasin and on the day of accident she had spoken with him and informed that the door has been locked from inside and she is going to the terrace along with the pet (dog). Later on, received the call from the Police fallen from terrace/balcony.
- d) The statement of Mrs. Savitri (Mother) revealed that her daughter Ms. Asha was working for a salary of Rs.10,000/- as a maid in the house of Sh. Angad Bhasin located at C.R. Park, New Delhi. She was told by her daughter that the gate of the flat has been locked from inside. In the meantime, her mother went to the parents of Sh. Angad Bhasin at Noida and she was asked by them to go the terrace along with the pet and soon they will arrive along with the duplicate key. Later on, she got a call that her daughter was fallen from the height. She suspected that the parents of Sh. Angad Bhasin might have told her something because of which her daughter had tried to enter the flat through the window.
- e) The statement of her maternal uncle, Sh. Raju Kumar revealed that Ms. Asha was working as a maid with Sh. Angad Bhasin and she fell from the height and admitted to AIIMS Hospital where during the treatment she died.
- f) In the statement given by the neighbor Ms. Rich Chaudhary that she has been working as Marketing Professional and she was informed by the Security Guard that a lady named Asha has fallen from the terrace and when she went to see the victim, she found the door locked and no one was present on the terrace except the dog. She doesn't know how she has fallen from the terrace.
- g) In the statement given by the neighbor Ms. Sujata, she informed that on the said day at around 07:00 PM she heard a sound and she opened the door, she found the lady fallen on the ground. Her son called the Police and nearby people. She also doesn't know how she has fallen from the height.
- h) In the statement given by the Security Guard Sh. Apurva, he stated that on the said day at around 07:00 PM, many people were gathered and he found that a lady has fallen from the terrace. He is also not aware who was she and how she has fallen.
- i) While she was on duty, she had fallen from the height and got injured and later on died during the treatment.
- j) The postmortem report revealed that she died during the treatment of the injury that she sustained during fall from height.





285

Speed Post/Whatsapp/E-mail/
Courier/BH/Dasti

- k) The photograph taken by Police official during investigation also revealed that there was no one present inside the flat, stalls/dupatta is found to be lying on the ground.
- l) The Police has not found any foul play during the investigation and therefore not filed any FIR and closed the case after taking statements of the witnesses.

5. Findings:

The Employees' Compensation Act, 1923 is applicable to all the employees who received injuries and/or die during and in course of employment. In this case, the deceased Late Ms. Asha has fallen from the height while she was on employment with the Employer Sh. Angad Bhasin. There is no denying the fact as evident from the statement of all the witnesses who appeared before SDM/Police that she was employed and died during and in course of employment. In view of this, the CEC is of the opinion that the LR (Father/Mother/Any other) of the deceased Late Ms. Asha is entitled for death compensation, funeral expenses and interest on account non-payment/non-deposition of compensation amount by her employer Sh. Angad Bhasin. The employer Sh. Angad Bhasin is therefore liable to pay the compensation and other expenses including interest as calculated below.

6. As per the Act, the death compensation in this case is calculated on the basis of age, relevant factor and wage limit of the deceased employee in respect of accident occurred on 27.08.2022 and subsequent death on 08.09.2022. In this case, no salary record of deceased employee Late Ms. Asha is available in case file, the same is restricted to Rs.15,000/- as per the maximum prevailing wage limit notified by the Government under the Act as per latest notification No. 71 (E) dated 03.01. 2020 the monthly wages for the purpose of sub section 1 of section 4 have been notified as Rs. 15,000/- with effect from the date of publication of this notification in official gazette. The age and age factor of the claimant is considered as 20 years and 224 as per Schedule IV of the Act. The age is taken as 20 years on the basis of Postmortem report issued by AIIMS Hospital.

Calculation of Principal Amount in respect of deceased employee Late Ms. Asha:

As per Section 4(1)(a) of the Act in this case death of an employee, claim amount is calculated as under:

$$\begin{aligned} & 50\% \text{ of monthly wages } \times \text{ age factor} \\ & = 50/100 \times 15000 \times 224 = \text{Rs.16,80,000/-} \end{aligned}$$

Calculation of Interest:

Apart from above, since the employer has failed to release the entitled death compensation amount within specified period as mentioned in the Act i.e. within one month from date of death i.e. 08.09.2022. Therefore, the employer is liable to pay interest @ 12% of the principal amount of Rs.16,80,000/- (Rupees Sixteen Lakhs Eighty Thousand Only) as per section 4A(3)(a) of the Act. The said interest is calculated w.e.f.





Speed Post/Whatsapp/E mail/
Courier/BH/Dasti

08.10.2022 till 19.12.2024 (the date on which proceedings were concluded for decision). The interest amount for the default period (02 years 02 months 11 Days) therefore comes to Rs. 4,42,848/- (Rupees Four Lakhs Forty-Two Thousand Eight Hundred Forty-Eight Only) which the employer has to deposit along with the principal amount.

Calculation of Funeral Expenses:

Apart from above, the employer is also held liable to pay the funeral expenses of Rs.5,000/- (Rupees Five Thousand Only) as mentioned in the Act.

Calculation of Penalty Amount:

As regards, penalty separate show cause is being issued vide this order in which the employer Sh. Angad Bhasin is being directed to file his reply on the show cause as to why the penalty @ 50% should not be imposed upon him for not depositing the compensation amount within the due date.

7. In view of above, the employer Sh. Angad Bhasin is directed to pay "the full of the principal amount, interest, funeral expenses all total amounting to Rs.21,27,848/- (Rupees Twenty-One Lakhs Twenty-Seven Thousand Eight Hundred Forty-Eight Only) in the name of Commissioner Employees Compensation, South East within 30 days of passing of this order.
8. It is pertinent to mention that failure to pay the aforesaid amount by the employer Sh. Angad Bhasin within 30 days of passing of this order, shall attract the recovery proceedings against him as per the provisions of the EC Act. In case the ordered amount is not deposited by him within 30 days of passing of this order additional interest @12% w.e.f. 19.12.2024 till the period of deposit shall be payable.
9. The next date of hearing is fixed for **09.01.2025 at 02:00 PM** for deciding the penalty clause as per section 4A(3)(b) against the employer Sh. Angad Bhasin

Given under my hand and seal of this 20th day of December, 2024.

(U.K. SINHA)
COMMISSIONER UNDER
EMPLOYEE'S COMPENSATION

