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**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/36/2024 | 8026-8027

Dated 27/12/2024

In the matter of:

Sh. Mithlesh Jha & Ors. (LR)  
F/o Late Sh. Deepak Kumar Jha  
R/o D-583/3, Indira Colony  
Okhla Phase-1, New Delhi-110020

.....LR of Deceased

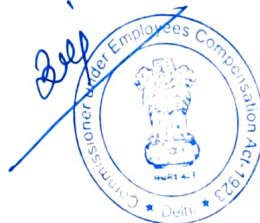
V/s

The Owner  
R/o Jhuggi No. 623/3  
Near Ramlila Ground MCD Office  
Indira Kalyan Vihar, Okhla Phase-1  
New Delhi-110020

.....Employer

**ORDER**

1. The Commissioner Employee's Compensation, South East District, Labour Department, GNCTD has received an information regarding death of a labour (Electrician) Sh. Deepak Kumar Jha at an under construction Jhuggi site in Okhla on 20.10.2024 through newspaper publication on 21.10.2024. Accordingly, the CEC vide notice dated 22.10.2024 has asked the PS - Okhla to provide the copy of FIR registered in this behalf. The PS - Okhla vide their letter dated 29.10.2024 has provided the copy of FIR No. 791/2024 which was registered on 20.10.2024 u/s 106(1)/289/290 of the BNS.
2. On perusal of the contents of the FIR, the owner/employer of the said construction premises was summoned to appear vide notice dated 26.11.2024. Also, the concerned PS of the Okhla vide summon dated 26.11.2024 was asked to file EAR within 30 days of the accident as per the directions of the Hon'ble Delhi High Court in the case no. FAO 385/2013 case titled as New India Assurance Co. Ltd. V/s Puran Lal & Ors.
3. The matter was listed for hearing on 19.12.2024, on this date neither the employer nor the LR of the deceased appeared. Further, no EAR was filed by the PS-Okhla within the specified time. Therefore, without going into the finer details leading to death of Late Sh. Deepak Kumar Jha, the proceedings were concluded for passing suitable order.
4. In this case, the employer was given opportunity to clarify whether he was liable to deposit death compensation or not liable by way of filing suitable justifiable reason. It appears as if the employer was not at all concerned with the notice issued u/s 10A(1) of the Employee's Compensation Act, 1923. In the absence of any reply on the part of employer, it is deemed that the owner of the Jhuggi is the employer and according he is





liable for payment of death compensation as the deceased was hired for the work of electrical fittings in his under construction Jhuggi.

5. Findings:

Considering the statement given by the complainant Sub-Inspector Ashish Kumar Meena which is recorded as contents of the FIR No. 791/2024 dated 20.10.2024, this CEC is of the opinion that the LR (Father/Mother/Any other) of the deceased Late Sh. Deepak Kumar Jha is entitled for death compensation, funeral expenses and interest by his employer. The same is substantiated by MLC and the postmortem report which refers to the death due to the same reason as mentioned in FIR. The CEC therefore held that the employer is 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/death occurred on 20.10.2024. In this case, no salary record of deceased employee Late Sh. Deepak Kumar Jha 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 37 years and 192.14 as per Schedule IV of the Act. The age is taken as 37 years on the basis of FIR registered in PS-Okhla.

Calculation of Principal Amount in respect of deceased employee Late Sh. Deepak Kumar Jha:

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

$$\begin{aligned} & 50\% \text{ of monthly wages} \times \text{age factor} \\ & = 50/100 \times 15000 \times 192.14 = \text{Rs.14,41,050/-} \end{aligned}$$

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. 19.11.2024. Therefore, the employer is liable to pay interest @ 12% of the principal amount of Rs.14,41,050/- (Rupees Fourteen Lakhs Forty-One Thousand Fifty Only) as per section 4A(3)(a) of the Act. The said interest is calculated w.e.f. 20.11.2024 till 19.12.2024 (the date on which proceedings were concluded for decision). The interest amount for the default period (01 month) therefore comes to Rs. 14,411/- (Rupees Fourteen Thousand Four Hundred Eleven 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 of the under construction Jhuggi 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 is directed to pay "the full of the principal amount, interest, funeral expenses all total amounting to Rs.14,60,461/- (Rupees Fourteen Lakhs Sixty Thousand Four Hundred Sixty-One 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 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 **16.01.2025 at 02:00 PM** for deciding the penalty clause as per section 4A(3)(b) against the employer.

Given under my hand and seal of this 27th day of December, 2024.

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

