



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

Old No. CEC/SED/I/158/22

2853-57

Dated 27/12/25

In the matter of:

Mohd. Javid S/o Matiur Rehman
R/o H. No. R-10, Gali No. 40
Zakir Nagar, New Delhi

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.....Claimant

Adv. Nizamuddin & Associates
Chamber No. 457, Lawyers Chamber Block
Saket Court Complex,
New Delhi - 110017.

.....Claimant's Counsel

V/s

M/s B.G. Shirke Pvt. Ltd.
Through its Director/Owner
Sh. J.P. Patel & Mr. Rajan
Office at 1337, DDA Project Pocket 2
2nd, Narela, New Delhi-110040

Also at:
M/s B.G. Shirke Construction Technology Pvt. Ltd.
Regional Office: 1308, Hemkunt Tower
98, Nehru Place, New Delhi-110019

Also at:
M/s B.G. Shirke Construction Technology Pvt. Ltd.
Site Address: Pocket-11, Sector A1 to A4
Near Mansa Devi Temple, Narela
New Delhi-110040

.....Respondent

ORDER

1. This order shall dispose of claim filed by Mohd. Javid under provisions of EC Act, 1923 before the CEC South East, claiming injury compensation from the management of M/s B.G. Shirke Pvt. Ltd./M/s B.G. Shirke Construction Technology Pvt. Ltd. (hereinafter referred as Respondent) The claim was filed on 15.11.2022 through the counsel Sh. Nizamuddin & Associates. The brief fact of the case is that the claimant has joined the management in the year 2016 and was drawing the salary of Rs.35,000/-. The





management deals with the construction work in Delhi and is associated with the DDA. The godown and the luggage room are built in the basement to keep shattering material, cement and other chemicals and room is not in a good condition. The claimant along with the other labour had warned the management and its officials many times to keep the godown in the proper condition in order to avoid the untoward incident which can be caused against the labourers. On 12.05.2021, the claimant along with other labourers went to take out the material (cement and chemical), all the material fell down on the body of the workers including him. Because of this, he sustained grievous leg injuries and became unconscious at the accident site. He was taken to Mukesh Hospital, Narela where the operation of his leg was conducted. The official of the management did not let the criminal complaint filed against them before Police. Further, no safety measure is adopted by the management in handling goods inside the godown which is causing health and life threat to the claimant and other workers. The claimant was not having enough for his treatment and took loan from his relative and went to Bihar for proper treatment. A steel rod inserted in his leg after conducting operation. He requested the management to pay Rs.4,50,000/- for the period 2016 to 2021 for his expenses. The opposite party only paid some petty expenses for daily casual needs after deducting TDS & other dues from his salary. All the remaining salaries of the claimant is still pending with the management. He has incurred expenses Rs.2,50,000/- and further Rs.1,50,000/- for his treatment/leg. The claimant made a complaint before PS Narela on 10.10.2022 and before DCP by speed post. The claimant also issued legal notice by speed post to the management. The labour card is also issued to the claimant by the DBOCWW Board. In the last, the claimant prayed to pass an award of Rs.25,00,000/- against the opposite parties for causing him disability and also Rs.4,50,000/- towards his dues. Further, prayed to pass an award for Rs.20,000/- per month against the respondent for his negligence. The claim is supported by the affidavit, Police complaint, speed post receipt and tracking report, legal notice, medical expenses details, prescriptions, photograph of the injured person. ID proof and vakalatnama.

2. The matter was listed for hearing on 05.12.2022, 12.01.2023 and 06.03.2023. During this period, the representative of the management Sh. Manoj Kumar appeared received copy of claim and given his oral acceptance to pay the compensation amount as per disability certificate. The claimant sought adjournment for filing disability certificate. Matter was further adjourned on 18.04.2023, 29.05.2023, 04.07.2023, 17.08.2023, 20.09.2023, 11.10.2023, 23.11.2023, 16.11.2024, 26.02.2024, 03.04.2024, 14.05.2024, 18.07.2024, 01.08.2024, 20.09.2024, 23.09.2024, 28.10.2024, 09.12.2024, 26.03.2025 and 24.04.2025, on these dates' representative of respondent Sh. Manoj Kumar/Sh. Sudhir Kumar/Sh. Sujeet/Sh. Ashish Mishra/Sh. Mayank appeared alternatively.
3. Notice was issued to the respondent for his appearance before the CEC vide notice dated 30.07.2024, 12.08.2024 and 30.08.2024 but none appeared from the respondent. The claimant filed a fresh address of M/s B.G. Shirke Pvt. Ltd./M/s B.G. Shirke Construction Technology Pvt. Ltd. at its Pune Office. Notice was issued, at its Pune office for appearance





of respondent on 28.10.2024. In response to this, Sh. Sudhir Kumar, AR appeared from the respondent and prayed some time to settle the matter. Despite giving few opportunities, the management never settled the matter

4. On date of hearing 09.12.2024, the claimant filed calculation of Rs.2,30,679/- which he requested for re-imburement of bills. The claimant on dated 26.03.2025 has filed original medical documents and bills and prayed to allow the medical bill re-imburement.
5. The management also not released any medical expense bills which was supplied to them during the course of hearing. On the last date of hearing i.e. 24.04.2025, arguments from both the sides were heard. Sh. Manoj Kumar appearing on behalf of respondent is found to be not possessing any Authority letter. Further, no reply/WS/objection was ever filed by the respondent side before the CEC Court. In the interest of justice, the respondent was given 10 days' time to file their written submission with respect to their liability of injury compensation including principal, interest and penalty.
6. As per the medical disability report received from Pt. Madan Mohan Malviya Hospital, the claimant sustained 40% permanent disability in relation to his right lower limb which is non-progressive and not likely to improve and further there is no need for re-assessment.
7. Despite giving this opportunity, the management did not file any written submission and therefore, the order is being passed as per provisions of the law considering following vital facts which is highlighted beneath which have appropriate relevance with the case:
 - a) The claim was filed by the injured employee before the CEC under the provisions of EC Act, 1923 in the month of November, 2022.
 - b) Despite sending various summons, sometimes management AR appeared and sometime they were absent.
 - c) Despite giving repeated opportunities, no WS was ever filed by the management.
 - d) The management has admitted that the claimant was their employee and made various false assurances for payment of injury compensation (ad-hoc or otherwise).
 - e) The management had to be summoned through their Pune office because local representative stopped appearing during the case.
 - f) The claimant has provided calculation of medical bills amounting to Rs.2,30,679/- on 09.12.2024 which was supported by photocopy of bills without any authentication from the hospital/pharmacy/diagnostic center, therefore this amount cannot be considered.
 - g) On 26.03.2025, claimant has filed the original medical bills total amounting to Rs.1,32,265/-.
 - h) The claimant during his medical assessment done through the Pt. Madan Mohan Malviya Hospital is found to be 40% permanent in nature.





- i) Despite giving further 10 days' time to respondent on 24.04.2025; no written submissions/arguments/judgments were filed by the management till the date of passing of this order.

8. Findings:

Considering the above-mentioned facts, the CEC is of the opinion is that the case is admitted by the respondent through his AR in March, 2023 and also during various stages of hearing but not paying the ad-hoc/half monthly payment injury compensation despite assurance. The injury compensation along with interest and medical reimbursement which is the liability of the employer i.e. Respondent M/s B.G. Shirke Pvt. Ltd./M/s B.G. Shirke Construction Technology Pvt. Ltd., in this case is required to be paid by him because there was no ESI nor any accidental medical insurance in the name of the claimant.

9. As per the Act, the injury compensation in this case is calculated on the basis of age, relevant factor and wage limit of the injured employee in respect of accident occurred on 12.05.2021. In this case, no salary records of injured employee Md. Javid 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 35 years and 197.06 as per Schedule IV of the Act. The age is taken as 35 years on the basis of Aadhar card.

Calculation of Principal Amount in respect of injured employee Md. Javid:

The age of the claimant is taken as 35 years on the basis of DOB mentioned on Aadhar Card and the age factor of 35 years comes to 197.06 having disability of 40%.

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

$$\begin{aligned} & 60\% \text{ of monthly wages} \times \text{age factor} \times 40\% \\ & = 60/100 \times 15,000 \times 197.06 \times 40\% = \text{Rs.}7,09,416/- \end{aligned}$$

The respondent M/s B.G. Shirke Pvt. Ltd. is liable to pay above amount. Therefore, the respondent is directed to release the aforesaid amount in the Court of CEC, South East District.

Calculation of Interest:

Apart from above, since the employer has failed to release the entitled injury compensation amount within specified period as mentioned in the Act i.e. within one month from date of accident i.e. 12.06.2021, thereafter interest is payable. Therefore, the respondent is also liable to pay interest @ 12% of the principal amount of Rs.7,09,416/-





as per section 4A(3)(a) of the Act. The said interest is calculated w.e.f. 12.06.2021 till 24.04.2025 (the date on which proceedings were concluded for decision). The interest amount for the default period (03 years 10 months 12 Days) is 46.4% which comes to Rs.3,29,169/- which the respondent has to deposit along with the principal amount in the name of CEC South East District.

Calculation of Medical Reimbursement:

The claimant is also entitled for medical reimbursement of Rs.1,32,265/-, according to the original bills which has been submitted in the Court which was to be borne/paid by the claimant reimbursable by the respondent as per the EC Act, 1923.

10. In view of above, the petition is decided in favour of the claimant Md. Javid. Accordingly, the Respondent M/s B.G. Shirke Pvt. Ltd./M/s B.G. Shirke Construction Technology Pvt. Ltd. is directed to pay the principal amount, the interest, medical expenses total amounting to Rs.11,70,850/- as mentioned in above paragraph. This amount must be deposited within 30 days of passing of this order, failing which the same shall attract additional interest @12% from 24.04.2025 till the date of deposit.

11. Along with this order, penalty amount has not been granted to the claimant side. Therefore, this para may be treated as Show-cause to Respondent under section 4A(3)(b) of the EC Act, 1923 to explain as to why penalty @ 50% is not imposed upon Respondent M/s B.G. Shirke Pvt. Ltd. The reply must be submitted within 21 days i.e., **on or before 19.06.2025 at 10:30 AM**, either personally or through speed post submitted before CEC. Although no separate application for penalty is filed by claimant side, suo-moto cognizance has been taken by the CEC because the respondent has been granted opportunity earlier for filing reply and arguments on applicability/non-applicability of penalty in this case.

Given under my hand and seal of this 27th day of May, 2025.

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

