

सत्यमेव जयते
GOVT. OF NCT OF DELHI
BEFORE THE COMMISSIONER, EMPLOYEE'S COMPENSATION
OFFICE OF THE DY. LABOUR COMMISSIONER,
LABOUR DEPARTMENT (EAST & NORTH EAST DISTRICT)
VISHWAKARMA NAGAR, JHILMIL COLONY, DELHI-110095

No. CEC-1/ED/17/2021/2573-74

Date
27.10.2021

In the matter of:

Sh. Hitesh Gola S/o Sh. Narender Gola
R/o H. No.-15/B, IIIrd Floor, Street No.2
Shakarapur, Delhi-110092

... Claimant

V/s

M/s Royal Bank of Scotland (RBS) India Pvt. Ltd.
Ground-08 Floor, Block-II, Delhi Technology Park,
Shastri Park, Delhi-110053

... Respondent

Proceeding-cum-Order Sheet

Date: 27.10.2021

Present:

For Claimant- Sh. Devender Kumar Dubey (Advocate)

For Respondent- Ms. Shuchita Choudhry (Advocate)

A/R of the claimant filed vakalatnama.

That the matter was seized on the basis of complaint received from NHRC vide case no. 1542/30/02/2019.

That the claimant was called in person and the matter was discussed at length on 19.02.2021 and the claimant was advised to file claim application under Employees Compensation Act, 1923. The claimant has sought various opportunities i.e on 08.03.21, 17.03.21, 30.03.21, 07.04.21, 04.08.21, 19.08.21, 28.09.21 and 06.10.21 for filing the claim.

That notices were issued to the respondent. Respondent filed written reply (to one of the applications filed by the claimant seeking adjournment) in the matter mentioning therein that a civil suit no. OS324/2018 was filed by the claimant before Hon'ble High Court of Delhi for damages relating to injury occurred during the accident.

That the respondent submitted that a statement was made before the Hon'ble High Court that they will not terminate the services of the claimant at that moment and the claimant was supposed to join the duty with effect from first

Handwritten notes:
A/R
Devender K. Dubey
Advocate
Suo moto
A/R for Respondent

week of August, 2018. The respondent stated that the claimant joined the services in the second week of August, 2018 and worked upto 29th March, 2019 and terminated the services of claimant w.e.f 29th March, 2019.

That the A/R of the claimant stated that they moved a contempt application before Hon'ble High Court of Delhi for terminating the services of claimant as the respondent has stated that they will not terminate the services at that moment. Particular statement was given during the proceeding before the Hon'ble High Court.

That the A/R of the respondent stated that they moved an appeal before the Division Bench challenging the interim order on stay granted by Hon'ble High Court on termination of claimant and the Hon'ble Division Bench granted exparte stay on the interim order of the single judge.

That the A/R of the claimant filed order dated 20.09.2021 in FAO(OS)74/2019 and CM No. 17823/2019 and 49482/2019 of Division Bench of Hon'ble High Court wherein the Hon'ble Court has disposed off the above said applications.

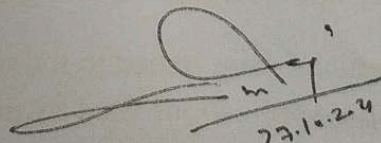
That the A/R for respondent submits that exemplary cost must be imposed on the respondent as matter is pending from March, 2021 and despite multiple opportunities, claimant has failed to file the claim.

At this stage, A/R of the claimant requested to close the matter as he wants to withdraw the same as the same matter is pending adjudication before Hon'ble High Court of Delhi.

The request of the A/R of the Claimant is allowed and the matter is closed as withdrawn and no cost is imposed .

Copy of the order be given Dasti to the parties.

Given under my seal and signature on 27th Day of October,2021.



(K.M.SINGH)

Commissioner, Employees Compensation
Under The Employees Compensation Act, 1923

*Aluminium -
Advised
Respondent*

*Copy
Despatched to
Dasti for
for Claimant*

Dasti Copy

*Recd
2021*