



GOVT. OF NCT OF DELHI
BEFORE THE COMMISSIONER EMPLOYEE'S COMPENSATION
(Under the Employee's Compensation Act, 1923)
LABOUR DEPARTMENT DISTRICT EAST & NORTH-EAST,
VISHWAKARMA NAGAR, JHILMIL COLONY, DELHI-110095

No.CEC-I/ED/15/21/9715-16

Dated:- 27.12.2021

In the matter of:-

Sh. Naresh S/o Sh. Mani Ram
R/o H.No. A-40, Gali No.1, Near
White Temple, Shakti Garden, Delhi-110094

.....Claimant

Versus

M/s D.D. Cable
Sh. Rajesh Gupta,
12/11, Damodar Park, Dilshad Garden,
Delhi-110095

.....Respondent

PROCEEDING-CUM-ORDERSHEET

Date-27.12.2021

For Claimant- Sh. Naresh with Sh. M.N. Singh, Advocate

For Respondent- Sh. Rohit Jain, Advocate

The claimant has filed an application dated 23.02.2021 under Employees' Compensation Act, 1923 (hereinafter referred as an Act) stating that the claimant was working as helper since 12.05.1995 with respondent. It has been stated by the claimant that he got injury in his both legs as there was breakdown of the lift and cable bundles fell on his legs during the employment with respondent on 19.02.2017 at 6:15 P.M. due to which he lost consciousness because of injury. It is stated by the claimant that when he regained the consciousness he found himself in Shanti Mukund Hospital where he was admitted from 19.02.2017 to 27.02.2017. The police officials recorded his statement on 19.02.2017. The claimant has further stated that he demanded the payment of compensation for the injury but the respondent refused to pay the compensation. It is also stated by the claimant that no facilities under Labour Laws were provided to him by the respondent and the respondent terminated his services on 25.01.2020 and refused to pay him compensation. The claimant has further stated that he sent a demand notice dated 19.01.2021 to pay compensation amount of Rs.10,01,736/- along with interest and 50% of compensation.

That notices were issued to the respondent. The respondent vide reply dated 11.11.2021 has submitted that they have settled and resolved all the disputes and differences with the claimant in the year, 2019 through General Secretary of the Samajwadi Karamchari Union (Regd.) and the workman took his full and final settlement amount (Past, Present and

M.N.S.
Rohit Jain

Future) of Rs.5,00,000/- towards his earned leave, salary, service compensation, injury compensation, notice period, etc. from the respondent in which Rs.10,000/- in cash and Rs.4,90,000/- was paid through cheque no.042982, drawn on Corporation Bank Vide Account No. 520101237512048 which was duly encashed in the workman account on 29.01.2020. Respondent has also submitted that the FIR no. 0042/2017 under Sections 287/338 of the IPC, registered with PS G.T.B Enclave was quashed vide order dated 20.11.2019 of Hon'ble High Court of Delhi in W.P.(CRL) 2893/2019 wherein Para 3 the claimant himself have joined the respondent in praying that the FIR in question be quashed and has requested to dismiss the claim of claimant.

That rejoinder was filed by claimant/A.R of claimant on 24.12.2021 and the matter was fixed for framing of issues.

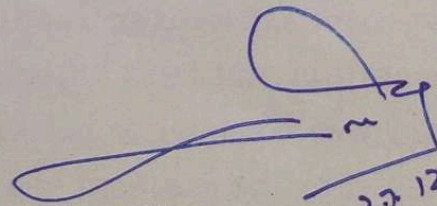
At this stage A.R of respondent raised the issue that the matter of compensation has been settled and the same has also been mentioned in the order dated 20.11.2019 of Hon'ble High Court of Delhi in W.P.(CRL) 2893/2019 which was objected by A.R. of Claimant.

A.R of Claimant requested to hold the matter sine-die as he wants to get the same clarified from Hon'ble High Court of Delhi.

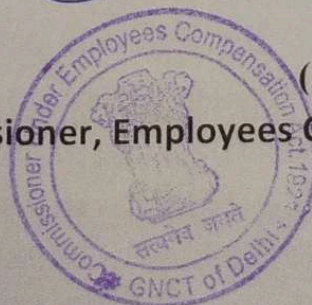
In view of request of A.R. of Claimant, the matter is kept sine-die.

Copy of the order be given Dasti to the parties.

Given under my seal and signature on 27th December of 2021.


27.12.2021

(K.M.SINGH)
Commissioner, Employees Compensation



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27/12/21