

Through Speed Post /Dasti



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

No.F. CEC-D/ED/05/2021/1145-1146

Dated:- 02/05/2022

In the matter of:

Ms. Shalu D/o Deceased Smt. Geeta @ Mayawati D/o Rajender  
Kumar  
R/o D-528, West Vinod Nagar,  
Near Madina Masjid, Delhi-110092 ...Claimant

V/s

Sh. Manish Singh S/o Late Param Hans Singh  
R/o House No. 31, Sector-13, Vasundhra,  
Ghaziabad, U.P.201012 .....Respondent

Order

1. Vide this order, I shall dispose off the claim application dated 07.01.2021 filed by the claimant in this office under the Employee's Compensation Act, 1923 (hereinafter referred to as an "Act"), as settled, wherein the claimant has stated that she is the legal heir of the deceased Smt. Geeta @ Gita @ Mayawati (hereinafter referred to as "Geeta @ Gita"), she was legally wedded wife of Sh. Rajendra Kumar and no divorce had been executed between both of them. It is further mentioned that FIR bearing No. 1657 dated 20.09.2014 was registered at Indirapuram Police Station, Ghaziabad, Uttar Pradesh and in the same name of the husband of claimant has been shown as Sh. Rajeev Sharma. It has been further

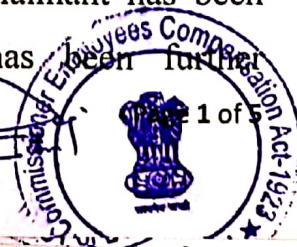
Shalu

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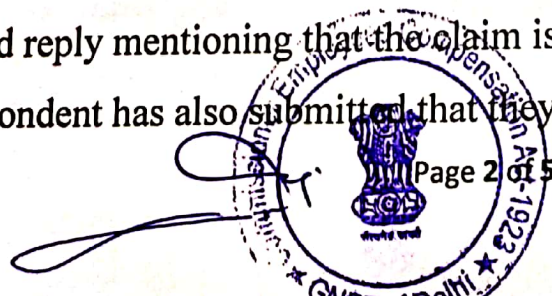
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mentioned that Smt. Geeta died on 10.09.2014 at the Manufacturing unit of the respondent during her work and out of the course of employment. The age of the deceased has been mentioned as 30 years and monthly salary has been mentioned Rs.15,000/- p.m. and in the last the claimant has prayed to direct the respondent to make the payment of Rs.20,00,000/- towards compensation alongwith 18% interest.

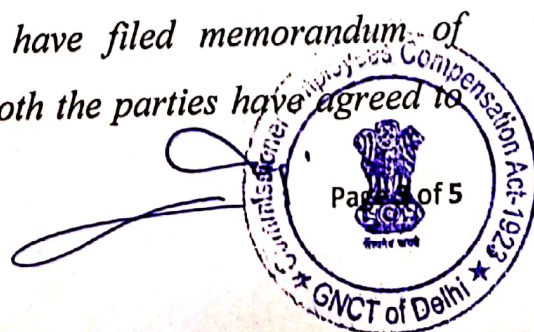
2. That notices were issued to the respondent and the respondent filed an application for supplying copy of documents i.e Voter I-Card, Aadhar Card and Pan Card of her Father and Mother, Ration Card, Educational documents and death certificate of her mother. Thereafter, none appeared on behalf of respondent and he was proceeded ex-parte on 25.03.2021. Later, the respondent through counsel filed an application dated 07.04.2021 for setting aside the ex-parte proceedings to which the applicant/ claimant replied and the ex-parte order was set aside during the proceedings on 02.07.2021 subject to cost of Rs.10,000/-. The cost was paid and respondent was allowed to rejoin in the matter. The claimant filed an application U/s 340 of CrPC and another application for giving direction to Assistant Director of Factories to produce all documents on record in this matter. The claimant also filed another application to deposit compensation in respect of death of Smt. Geeta @ Mayawati. The said applications are also being disposed off in terms of this order.
3. That the respondent filed reply mentioning that the claim is highly belated. The respondent has also submitted that they



have settled the matter with Sh. Rajeev Sharma for a sum of Rs.2,25,000/- vide cheque bearing no. 483013 dated 19.12.2014 drawn on Oriental Bank of Commerce, Site-4, Industrial Area, Sahibabd-201010 and has also filed settlement done between them and Sh. Rajeev Sharma in matter of FIR. The respondent has also filed an application under Order 7 Rule 11 CPC for rejection of claim petition mentioning the same as mentioned in his reply. The said application is also being disposed off in terms of this order.

4. That rejoinder was filed by claimant side denying the contents of the reply and reiterating the contents of claim.
5. That the respondent also filed reply to application U/s 340 of CrPC and the matter was kept for further proceedings.
6. That both the parties appeared on 09.03.2022 and the following proceedings were recorded i.e. *“Both the parties appeared and have filed an application for settlement. On perusal of the file, it is noted that the respondent had earlier settled the matter with Sh. Rajiv Sharma who claimed to be husband of deceased. Smt. Geeta Sharma expired on 10.09.2014 as per FIR No.1657 dated 20.09.2014 registered in PS Indirapuram, Ghaziabad, UP and the name of her husband in the FIR has been shown as Sh. Rajiv Sharma. Now, Ms. Shalu daughter of Smt. Geeta has filed a claim praying for compensation on account of death of Smt. Geeta Sharma. Ms. Shalu also stated that name of her father is Sh. Rajinder Kumar and not Sh. Rajiv Sharma.*

*Though, both the parties have filed memorandum of understanding vide which both the parties have agreed to*

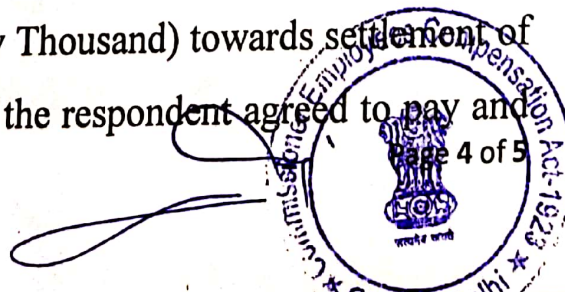


*settle the matter on a sum of Rs.3,50,000/- as the same has been demanded by claimant/ A.R of claimant towards settlement of all her claims/complaints filed before different forums/authorities and the respondent has agreed to pay the same to the claimant.*

*Notice be issued to Sh. Rajiv Sharma @ Rajiv Kumar S/o Sh. Sompal R/o Shaheed, Hariom Nagar, Etawa Hal, Rijwan Nagar Mita Pur Thana Vijaynagar, Ghaziabad and H. No 24 Village Etawah Tehsil Bisauli , Distt. Budaun who claimed to be husband of deceased Smt. Geeta Sharma and Sh. Rajinder Kumar @ Vishram R/o H.No. 199 Post Nipura, Village Nipura, Tehsil Sohawal, Janpath Ayodhya (as per claimant's OBC Certificate) whose name has been told by Ms. Shalu, the claimant for confirmation of previous settlement and the settlement being entered by the parties presently.*

*Address of Sh. Rajiv Sharma @ Rajiv Kumar and Sh. Rajinder Kumar be provided by the parties."*

7. That notices were issued to Sh. Rajeev Sharma @ Rajiv Kumar and Sh. Rajendra Kumar@ Vishram at the addresses given by claimant but none appeared on behalf of Sh. Rajeev Sharma @ Rajiv Kumar and Sh. Rajendra Kumar@ Vishram, therefore, the Settlement /MOU (OSR) dated 28.02.2022, as changed by subsequent application filed today by both the parties, is allowed, subject to Authority being indemnified by the Parties in accord with this Order. The claimant demanded a sum of Rs. 3,50,000/- (Rupees Three Lacs Fifty Thousand) towards settlement of the present matter which the respondent agreed to pay and



stated vide another joint application filed today 02.05.2022 that he is making the payment Vide DD issued in name of Authority of Commissioner Employees Compensation Distt. East and had brought the DD No. 405701 dated 26.04.2022 drawn on Punjab National Bank, Sahibabad-SSI (Ghaziabad), U.P., which has been taken on record in original and receipt be issued subject to realization. The claimant/ A.R of claimant also stated that no further claim survive qua the Respondent herein and she/they will withdraw all the complaints/matters relating to this matter filed by her/them before different authorities/forums/courts earlier till date /till the settlement being allowed in terms of this order and Parties will not file any case against each other in regard to present matter or incidental to present matter.

8. Since, the settlement has been allowed, subject to parties herein keeping this Authority indemnified in terms of their application filed today for change / settlement arrived between them earlier on 28.02.2022 and Claimant/A.R of Claimant requested to close this matter as settled and all applications mentioned and filed by either of parties also disposed off in terms of this order, therefore the matter is closed as settled and withdrawn. The settlement is made without the interference of this office and has been done mutually by both the parties.

Copy of the order be given Dasti to the Parties.

Given under my seal and signature on 02<sup>nd</sup> Day of May,

2022



(K.M. SINGH)

COMMISSIONER, EMPLOYEE'S COMPENSATION

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