



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-D/ED/43/2021/ 9295-97

Dated: 20.12.2021

In the matter of :-

1. Smt. Poonam Devi W/o Late Sh. Vijay Kumar
2. Raman Kumar S/o Late Sh. Vijay Kumar
3. Puja Kumari D/o Late Sh. Vijay Kumar
4. Anamika D/o Late Sh. Vijay Kumar
5. Krish Kumar S/o Late Sh. Vijay Kumar
Through her natural Mother/Guardian Smt. Poonam Devi
R/o H. No.99/24, Ground Floor, Street No.9, Block-D,
Pinkey Chaudhary Colony, Kamal Vihar, Burari, Delhi-110084 ... Claimant

V/s

Sh. Inderpal@Goldy S/o Sh. Santok Singh
R/o 978, Chand Mohalla, Gandhi Nagar, Delhi-110031 ... Respondent No.1

The Director Through its Officials
Kosmos Hospital Anand Vihar, Delhi ... Respondent No.2

Proceeding-Cum-Ordersheet

20.12.2021

For Claimant- Sh. Chadrashekhar Azad, Adv.

For R-1- Sh. Inderpal Singh with Sh. Charanjeet Singh, Adv.

For R-2- Sh. Abhishek Sharma

Respondent No.1 Sh. Inderpal Singh stated that he is the contractor and deceased Sh. Vijay Kumar was working with him at the time of accident. Sh. Inderpal Singh stated that he was putting shed on the windows of R-2. The deceased Sh. Vijay Kumar was working on swing through rope and the swing got open due to which Sh. Vijay Kumar fell down and was hospitalized, for four days and thereafter expired. Sh. Inderpal Singh also stated that the deceased Sh. Vijay Kumar was a daily wage worker and use to come for work for 4-5 days in month and was being paid Rs.1300/- per day.

R-1 has admitted the employer-employee relationship and occurrence of accident so there remains nothing to decide. R-1 stated that the same incident has been mentioned in FIR No.0308 dated 22.09.2021 in P.S Anand Vihar, Distt. Shahdara, Delhi.

On perusal of records, the age of the deceased is 36 years as the date of birth is mentioned as 01.01.1985 in Aadhar Card No. 3295 1135 7343. As far as the last drawn wages of the deceased is concerned, the claimant has stated that deceased was being paid Rs. 18,000 per month but has not filed any documentary evidence to that effect. However, the Respondent

Chy
(C.S. AZAD)
Adv.
D/1745/2001
9873346410
For Claimant

INDERPAL
SINGH

9810731528

Charanjeet
SINGH
D/11129/21

Abhishek Sharma (R-2)
8447196223

No-1 has admitted that the deceased was working with him at the time of accident i.e on 22.09.2021 and also stated that he was a daily wage worker and use to come for work for 4-5 days in month and was being paid Rs.1300/- per day. Therefore, it would be in the interest of overall situation, if the notified minimum wages by the Govt. prevalent as on the date of accident i.e. more than Rs. 15,000/- is taken for the purpose of calculation of amount of compensation in this case.

That in view of the above facts and circumstances and on the basis of 36 years of age the relevant applicable factor is 194.64 and as per monthly wages of Rs. 15,000/- the payable amount of compensation is calculated as under:-

- (i) Relevant factor of 36 years of age = 194.64
- (ii) 50% of last drawn salary @ R15,000 pm = 7500
- (iii) Amount of Compensation $\frac{194.64 \times 7500}{100} =$
Rs. 1459800/-

It is therefore, held that the claimant/petitioner is entitled to receive an amount of Rs. 14,59,800/- alongwith Rs. 5,000/- as funeral expenses from the respondent no-1 on account of the death compensation as the deceased was working with respondent no.1.

That as decided above, the **Respondent No-1 Sh. Inderjeet Singh** hereby directed to deposit the compensation amount of **Rs. 14,59,800/- (Rupees Fourteen Lakh Fifty Nine Thousand Eight Hundred Only) alongwith simple interest @ 12% per annum w.e.f. 22.09.2021 till the date of payment of the same plus Rs. 5000/-** by way of Demand Draft / Pay Order in favour of "**Commissioner Employees Compensation-VIII**" within 30 days from the date of issue of this order, failing which proceedings to recover the amount of compensation as well as the interest, as an arrears of land revenue, shall be initiated as per the provisions of Section 31 of the Act.

Respondent no.1 is hereby directed to show cause on 27.12.2021 at 11:00 A.M. so as to why 50% penalty should not be imposed on them as per order dated 24.05.2017 in the matter of New India Insurance Company Ltd. Vs Puran lal and Ors. of Hon'ble High Court of Delhi.

Copy of the order be given Dasti to the parties.

Given under my hand and seal of this court on 20th day of December 2021.

Copy received
(C.S. AZAD)
Copy Received
Abhishek

Copy Received
Jay
INDERPAL
SINGH

(Signature)
20.12.21
(K.M.SINGH)
Commissioner, Employees Compensation

(Signature) (R-2)
ABHISHEK SHARMA
8447696223

(Signature)
(C.S. AZAD)
Adv.
D/1745/01
9873346410
Cl. for claimant

(Signature)
INDERPAL
SINGH
9860736528
For R2
Cl. for
CHARANJIT
SINGH
D-11129/21