



BEFORE AUTHORITY UNDER THE DELHI SHOPS & ESTABLISHMENT ACT, 1954
GOVT. OF NCT OF DELHI, LABOUR DEPARTMENT
OFFICE OF THE DY. LABOUR COMMISSIONER (EAST & NORTH EAST DISTRICT)
VISHWAKARMA NAGAR, JHILMIL COLONY, DELHI-110095

No.SE/ED/85/2021/2591-2592

Dated: 05/07/22

In the matter of:-

Sh. Shubham Tiwari S/o Sh. Chandramani Tiwari
H.No. 9/4426, Gali No.7,
Ajit Nagar, Gandhi Nagar,
Delhi-110031

.....Claimant

VERSUS

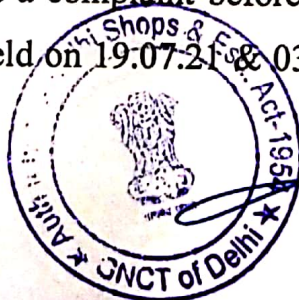
M/s B.S. Promotors, Govt. Contractors
Plot No.31, FIE, Patparganj
Industrial Area, Delhi-110092

.....Respondent

ORDER

1. Vide this order I shall dispose off the claim application filed by the applicant/claimant Sh. Shubham Tiwari S/o Chandermani Tiwari under Section-21 of the Delhi Shops & Establishment Act, 1954 (hereinafter referred to as an Act) wherein the claimant has stated that he was appointed by Respondent on the post of "Civil Site Engineer" and his salary was fixed at Rs. 21,000/- per month plus petrol expenditure of Rs. 3,000/- at the time of appointment. It has further been stated by him that he was working with honesty and full dedication but the Respondent did not pay his wages for the period from 04.01.21 to 30.04.21. The claimant has also stated that he filed a complaint before the Labour Inspector and the hearings were held on 19.07.21 & 03.08.21 but none appeared on behalf of

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Respondent before the Labour Inspector and has prayed to direct the Respondent to make the payment of wages @ Rs. 24,000/- per month with interest and penalty.

2. That notices dated 25.08.21 for 02.09.21, 08.09.21 for 28.09.21, 01.10.21 for 25.10.21, 09.11.21 for 22.11.21, 30.11.21 for 15.11.21 and 20.12.21 for 30.12.21 were sent to the Respondent and as per Track report of speed-post receipt No. ED328348142IN, the notice was served on the Respondent but the Respondent did not appear, therefore, Respondent was proceeded Ex-parte.
3. The claimant filed evidence by way of Affidavit dated 02.02.2022 duly attested by Notary Public as Exbt. WW1/A alongwith the documents i.e. copy of Aadhar-card as Exbt. WW1/1 and copy of Offer letter as Exbt. WW1/2.
4. That since the Respondent neither appeared in proceeding nor filed any reply despite service of notice and, therefore, was proceeded Ex-parte. Therefore, there is no reason to disbelieve the contents of claim filed by the claimant. Moreover, the claimant has filed copy of Offer letter issued by Respondent to him wherein the salary has been shown as Rs. 21,000/-. Therefore, it is held that the claimant is entitled for wages for the period from 04.01.2021 to 30.04.2021 @ of Rs. 21,000/- which comes to Rs.81,291/-. Since, the respondent has not paid the wages on time, therefore, a penalty/additional compensation of Rs.4,000/- is also awarded to claimant for not making the payment of earned wages on time and withholding it illegally.
5. As discussed above, it is held that applicant/claimant is entitled to receive the above payment of due earned wages under the Act. Hence, in exercise of powers conferred upon this authority by Sub-



Section-3 of Section 21 of the Act, Respondent/Management is hereby directed to pay Rs. 85,290/- to Sh. Shubham Tiwari towards earned wages for the period from 04.01.2021 to 30.04.2021 which includes penalty/additional compensation also. The respondent/management shall make the payment of earned wages alongwith compensation as stated above to the claimants within 30 days from the date of this order, under intimation to this Authority failing which proceedings to recover the same shall be initiated as per the provisions of Section-21 of the Act.

Given under my hand and seal on 5th day of July 2022.




(K.M.SINGH)
AUTHORITY

Under The Delhi Shops & Establishment Act, 1954