

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 8 May, 2014

Complainant : **Shri Ashok Kumar**
r/o E-169, Indira Kalyan Vihar,
(in front of C-173, Okhla Phase-I),
New Delhi 11 020.

Respondent : **Deputy Commissioner (South East),**
Revenue Department,
Govt. of NCT of Delhi,
Old Gargi College Building,
Behind Lady Shriram College,
Lajpat Nagar-IV,
New Delhi.

Grievance No. : PGC/2014/Rev./SE/452
Grievance filed on : 14/02/2014
First hearing in PGC : 08/05/2014
scheduled on

1. Brief facts of the complaint

Shri Ashok Kumar filed a complaint in PGC on 14/02/2014, stating that the Controlling Authority under Payment of Gratuity Act, 1972, vide order dated 12/04/2013, directed the management of M/s. Sethi Caterers and Hospitality Pvt. Ltd., 15/24, Main Mathura Road, Near NTPC, Badarpur, G-52, Lajpat Nagar-II, New Delhi, for payment of Rs.45,230/-, as gratuity along with 10% simple interest w.e.f. 19/10/2011 till payment was made to the claimant. Thereafter, for recovery of the awarded amount, a letter dated 25/09/2013, was addressed by the Controlling Authority under Payment of Gratuity Act, 1972 to the Deputy Commissioner, District South, Revenue Department, but till date the recovery has not been executed.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing on 8 May, 2014. At today's hearing on 08/05/2014, the attendance was as follows :-

Complainant : Present
Respondent : Absent

3. Relevant facts emerging during the hearing

- 3.1 The PGC received a letter dated 13/03/2014 from SDM (Kalkaji) addressed to the SDM (Defence Colony), which states that the recovery is to be affected from M/s. Sethi Caterers and Hospitality Pvt. Ltd., G-52, Lajpat Nagar-II, which is under the jurisdiction of the office of SDM (Defence Colony). The appropriate action may be taken by the office of SDM (Defence Colony).
- 3.2 At today's hearing on 08/05/2014, no representative from District South East, Revenue Department, is present.
- 3.3 However, on perusal of the letter dated 25/09/2013, addressed by the Controlling Authority under Payment of Gratuity Act, 1972, to the Deputy Commissioner (South), Revenue Department, it is observed that it mentions that M/s. Sethi Caterers and Hospitality Pvt. Ltd., G-52, Lajpat Nagar-II, New Delhi, is now functioning in the name and style of M/s. Best Bakers Town Pvt. Ltd., Plot No. 121, 12/16, Gurukul Industrial Area, Faridabad, Haryana. When the judgment debtor is not functioning from Delhi, the Controlling Authority under Payment of Gratuity Act, 1972, should not have addressed the letter, dated 25/09/2013, to the Deputy Commissioner (South Zone), South Delhi Municipal Corporation, requesting recovery of the awarded amount. As the judgment debtor firm has closed its operations from Delhi and is now functioning from Faridabad, Haryana, as a new entity, the recovery certificate should have been addressed to the Deputy Commissioner / District Magistrate, Faridabad, Haryana.

4. Directions of the PGC

- 4.1 Attention of the **Controlling Authority under Payment of Gratuity Act, 1972**, is drawn to the observations of PGC at sub-para 3.3 of this hearing order. Accordingly, a revised recovery certificate should be issued and addressed to the Deputy Commissioner / District Magistrate, Faridabad, Haryana, requesting recovery of the awarded amount.
- 4.2 Without prejudice to the above, the absence of any representation at today's hearing from District South East, Revenue Department, is brought to the notice of **Deputy Commissioner (South East), Revenue Department**, who is requested to issue instructions and ensure that there is appropriate representation at PGC hearings.

- 4.3 As the matter is out of jurisdiction of Govt. of NCT of Delhi, no further directions are issued.

In view of the above, the grievance case is ordered to be closed in the Public Grievances Commission.

9/2

9/5/14
(P. K. TRIPATHI)
CHAIRMAN (PGC)

Copy to: *4715-4717*

1. Deputy Commissioner (South East), Revenue Department, Govt. of NCT of Delhi, Old Gargi College Building, Behind Lady Shriram College, Lajpat Nagar-IV, New Delhi.
2. Deputy Labour Commissioner (South) / Controlling Authority under Payment of Gratuity Act, 1972, Labour Department, Govt. of NCT of Delhi, A-Wing, 1st Floor, Room No. 122, Pushpa Bhawan, Pushp Vihar, New Delhi – 110 062.
3. Shri Ashok Kumar, r/o E-169, Indira Kalyan Vihar, (in front of C-173, Okhla Phase-I), New Delhi 11 020.