

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903
Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 14.10.2020

Complainant : Sh. Nishant Bhardwaj

Respondent : The Commissioner,
Labour Department,
through
Sh. H.K. Tiwari
Labour Inspector – Present.

Grievance date : 20.02.2020

1. Brief facts of the complaint

- 1.1 Sh. Nishant Bhardwaj has filed a grievance in PGC on 20.02.2020 regarding non-payment of wages and other dues to Ms. Jayanti by M/s Mukti India Foundation.

2. Facts emerged during the proceedings

- 2.1 Sh. H.K. Tiwari, Labour Inspector was present in the hearing and has submitted an Action Taken Report dated 13.10.2020 stating therein that *“The management vide letter no. MIF0620/102 dated 27.06.2020, Smt. Yogita Avasthi, President, M/s Mukti India Foundation replied to the notice dated 19.06.2020 reiterated that Ms. Jayanti has worked upto 31st July, 2019 but she has left the job without giving notice to the management, which she was required to give as per terms and conditions of appointment letter. However, the management deposited cheque no. 000001 dated 15.09.2020 sum of Rs.7000/- in favour of Ms. Jayanti Singh, payable at HDFC Bank, F-36, Outer Circle, Connaught Place, Delhi – 110001, which the applicant yet to collect from this office.”*
- 2.2 The complainant, Ms. Jayanti was present in the hearing and furnished records i.e. Attendance Register to validate her claim of having worked in the organization till 31st July 2019. She further stated that the management’s contention that the employee has to give 15 days notice period before leaving the organization is

incorrect as it is not mentioned anywhere in her appointment letter. A copy of said appointment letter was furnished by her to buttress her claim. Further, 12 days paid leave is also to be given by the employer, as mentioned in appointment letter.

- 2.3 The complainant has been insisting upon salary for the full month of July 2019 as she has worked for the whole month. As per her own admission, she was on probation period. Further, she produced appointment letter, wherein, it is stated that the employee is allowed to have 12 days paid leave in a year. However, at the same time, the Labour Officer pointed out that the said paid leave of 12 days is for the period of a year, which comes to 01 leave per month.

3. Directions

- 3.1 In view of the above mentioned facts, the Commission holds the view that the complainant has not informed the management before leaving the job abruptly, although she insisted about telephonically informing the employer, but, at the same time, she should have given in writing about her leaving the job, being on probation period.

The management has considered her request and give her the dues amounting to Rs.7000/- for 15 days, which, in view of this Commission, is fair and proper. Therefore, the case is disposed off accordingly. However, the complainant is at liberty to approach any other forum if she feels that her grievance is still not resolved completely.

**(SMT. MADHU SHARAN)
MEMBER (PGC)**

No. PGC/2020/Labour/04/

Dated: .10.2020

1. The Commissioner, Labour Department, Govt. of NCT of Delhi, 5- Sham Nath Marg, New Delhi-110054.
2. Ms. Anita Rana, Dy. Labour Commissioner(Admn.)/HOO, Labour Department, Govt. of NCT of Delhi, 5- Sham Nath Marg, New Delhi - 110054.

3. Sh. Nishant Bhardwaj