

*“No carelessness until there is a cure Wear mask,
follow physical distancing & maintain hand hygiene”.*

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: 16.12.2020

Complainant : Sh. Rajesh Kumar

Respondent : The Commissioner,
Labour Department,
through
Sh. Manish Kumar Thakur,
Inspecting Officer – Present.

Grievance No. : PGC/2020/Labour/17

1. Brief facts of the case

- 1.1 Sh. Rajesh Kumar has filed a grievance in PGC regarding illegal termination from job by M/s Puri Construction Pvt. Ltd. w.e.f. May 2020 without giving any notice period. The complainant wants reinstatement to his job by the company.

2. Facts emerged during the proceedings

- 2.1 Sh. Manish Kumar Thakur, Inspecting Officer, Labour Department was present in the hearing and has submitted an Action Taken Report dated 15.12.2020 stating therein that *“Sh. Rajesh Kumar has filed a claim before the conciliation officer under Industrial Disputes Act, 1947 regarding alleged termination from job by the management of M/s Puri Construction Pvt. Ltd. On receipt of his industrial dispute, the management of M/s Puri Construction Pvt. Ltd. and Sh. Rajesh Kumar were called in conciliation proceeding on different dates for settlement. However, despite the best efforts made by the conciliation officer, the matter could not be resolved due to different views of both the parties*

hence, the proceedings were concluded on 23.11.2020 and the matter has been referred for the adjudication to the Hon'ble Presiding Officer, Labour Court, Room No.306, Rouse Avenue, New Delhi – 110002.”

- 2.2 Sh. Manish Kumar Thakur submitted that a legal counsel has been provided to the complainant to fight his case in the Labour Court. He further stated that conciliation proceedings is over now and the matter has been referred for the adjudication to the Hon'ble Presiding Officer, Labour Court. He further stated that the complainant has already given his consent by way of putting signature on the Full and Final settlement letter provided by the company.
- 2.3 The complainant was present in the hearing and stated that he was forced to sign on the Full and Final settlement letter in the presence of goons of the company and if he had not done so, he had to face dire consequences. He further stated that the management has coerced him into resigning from the job and threaten that they will not settle his full and final dues if he did not submit his resignation. He also demanded compensation for five months salary from May 2020 till September 2020 and bonus etc. However, his main demand is regarding reinstatement to service.

3. Directions

- 3.1 The case stands disposed off in the Commission as the complainant worked in Managerial position in the company and therefore, is not covered under the definition of “Workman”. Despite the complainant not coming under the definition of “Workman”, the Labour Department, on its own initiative, is trying to settle its disputes through different reconciliatory methods and also recover his back wages also and are taking extra steps to get him his legitimate dues. The case cannot be pursued only as the complainant does not come under the definition of “Workman”.

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

No. PGC/2020/Labour/17

Dated:

Copy to:

1. The Commissioner, Labour Department, Govt. of NCT of Delhi,
5- Sham Nath Marg, New Delhi-110054.
2. Sh. Rajesh Kumar