

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT DELHI – 1,
ROOM NO.207, ROUSE AVENUE COURT COMPLEX,
NEW DELHI**

LCA NO. 1781/ 2019

Sh. Balbir Singh S/o Shri Ram Saroop,
Through General Secretary,
Municipal Employees Union,
Aggarwal Bhawan, G.T. Road,
Tis Hazari, Delhi 110054

Claimant

Versus

The Commissioner,
Municipal Corporation of Delhi
Dr. S.P. Mukherjee Civic Center
Jawahar Lal Nehru Marg, Minto Road,
Delhi- 110002

Management

Shri Rajiv Agarwal, A/R for the claimant
Sh. Jitender Kumar, A/R for the management

ORDER

1. An application was moved by the claimant, under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter “the Act”) with the averments that he joined service with the management as Beldar. Since then, the claimant is discharging service to the entire satisfaction of his superiors. His services were regularized on the post of Beldar with retrospective effect i.e., 01.04.1982. But the claimant has not been paid any arrears of matric/non matric, difference of salary due to 7th CPC amount of Rs. 1,66,090/- (Rupees One Lakh Sixty Six Thousand And Ninety Only). The claimant further claims interest on the due amount @ 18% per annum and litigation cost.
2. Written statement was filed by the management. The management has admitted that arrears of matric/non matric, difference of salary due to 7th CPC to the tune of Rs. 1,53,840/- (Rupees One Lakh Fifty Three Thousand Eight Hundred And Forty Only) are due and have not been paid to the claimant.

3. I have gone through the pleadings and documents placed on record by the parties and have heard the arguments. Since the management has admitted its liability towards the workman/claimant, the claim of the claimant regarding arrears of matric/non matric, difference of salary due to 7th CPC to the tune of total accrued amount of Rs. 1,53,840/- deserves to be allowed.
4. Though the claimant has prayed for interest @18% per annum, the same is not allowed in view of the fact that in a petition u/s 33 (C)(2) of the ID Act, the Tribunal is only empowered to compute the amount but cannot confer a new right on the workman like interest. Similar view has been taken in the case of Union of India vs. Presiding Officer CGIT in 1984 AISLJ 567 and by the Hon'ble High Court of Delhi in the case of King Airways vs. Captain Manjit Singh decided in WPC No. 2666 of 2010.
5. Management is directed to pay the total accrued amount of Rs. 1,53,840/- within a period of 30 days. If the computed amount of Rs. 1,53,840/- is not made within a period of 30 days hereof, the management shall be liable to pay 6% interest on the full amount from the date of filing of this application i.e., 23.10.2019 till realization. The management is further directed to pay an additional amount of Rs. 1,000/- which was imposed by this Tribunal vide order dated 20.02.2023. An order is, accordingly, passed. File, after completion, be consigned to record room.

Justice Vikas Kunvar Srivastava
Presiding Officer
Retired Judge of High Court of Allahabad
November 12, 2024