

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

LCA NO. 691/ 2019

Sh. Khem Chand S/o Shri Kanhaiya Lal,
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
None 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., 01.04.1999. But the claimant has not been paid any arrears of matric/non-matric, arrears of 1ST MACP, difference of salary due to 7th CPC amount of Rs. 3,45,416/- (Rupees Three Lakhs Forty Five Thousand Four Hundred And Sixteen Only). The claimant further claims interest on the due amount @ 18% per annum and litigation cost. The claim of the claimant has remained un rebutted and the management was proceeded as ex-parte on 29.03.2022.
2. At the stage of evidence, the claimant filed his affidavit and examined himself as WW1. In his examination in chief, the workman also relied upon documents Ex WW1/1 to Ex WW1/2. No one turned up from the management side for cross examination of the workman witness. The cross examination of the workman witness was treated as nil.

Workman evidence was thereafter closed. Management neither appeared nor led evidence. The management evidence was closed.

3. I have gone through the pleadings and documents placed on record by the parties and have heard the arguments from the AR of the Claimant. The workman has proved that the workman was regularized w.e.f. 01.04.1999. The management failed to rebut the claim of the workman. During the course of the arguments, the A/R for the workman submitted the management has already paid arrear of 7th CPC to the workman and therefore the due amount comes to Rs. 2,14,116/-. In view of the claim of the claimant and the submissions, the claim regarding arrears of matric/non-matric & arrears of 1ST MACP to the tune of total accrued amount of Rs. 2,14,116/- 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 amount of Rs. 2,14,116/- within a period of 30 days. If the computed amount of Rs. 2,14,116/- 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 this application i.e., 15.05.2019 till realization. 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