

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

**LCA NO. 291/2018**

Smt. Munesh (Legal Heir) W/o Late Sh. Rajesh S/o Sh. Gyan Singh,  
Through Sh. Vinay Kumar,  
Chamber No. 478, Tis Hazari Courts,  
Delhi-54.

Claimant

Versus

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

Management

Shri Vinay Kumar, A/R, for the claimant  
None for the management

**ORDER**

An application was moved by Smt. Munesh (Legal Heir) W/o Late Sh. Rajesh S/o Sh. Gyan Singh, 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 Safai Karamchari. Since then, the claimant is discharging service to the entire satisfaction of his superiors. His services were regularized on the post of Safai Karamchari with regularized effect w.e.f. 01.06.1992 and he expired on 04.02.2015. But the claimant has not been paid any payment of arrears of salary, pensionary benefits, total amount of Rs. 31,52,600.00/- (Rupees Thirty Lakh Fifty Two Thousand Six Hundred Only).

2. Written statement was not filed by the management despite numerous opportunities. The defence of the management was already closed on 28.05.2019.

3. The claimant filed his affidavit by way of evidence and examined himself as WW1. In his examination in chief, the workman also relied upon documents Ex WW1/1 to Ex WW1/7. 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.

4. 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. 01.06.1992. The management failed to rebut the claim of the workman. In view of this the claim of the claimant regarding payment of arrears of salary, pensionary benefits, total amount of Rs. 31,52,600.00/- (Rupees Thirty Lakh Fifty Two Thousand Six Hundred Only) towards the payment deserves to be allowed.

5. 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.

6. Management is directed to pay the amount of Rs. 31,52,600.00/- within a period of 30 days. If the computed amount of Rs. 31,52,600.00/- 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 i.e. 01.10.2018 till realization. An order is, accordingly, passed. File, after completion, be consigned to record room.

**Justice Vikas Kunvar Srivastava**  
Presiding Officer  
Retired Judge, High Court of Allahabad  
November 11, 2024