

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

LCA NO. 193/ 2018

Sh. Pardeep S/o Sh. Mahender,
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
Shri Harbans Kaushal, 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 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 retrospective effect i.e., 01.04.2004. But the claimant has not been paid any difference of salary amount of Rs. 13,35,778/- (Rupees Thirteen Lakhs Thirty Five Thousand Seven Hundred And Seventy Eight Only). The claimant further claims interest on the due amount @ 18% per annum and litigation cost. The management had filed a reply to the application filed by the workman wherein preliminary objections were submitted however, the management failed to file any calculation chart despite several opportunities. Therefore, the defence of the management was struck off 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 WW1/4. 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. 01.04.2004. The management failed to rebut the claim of the workman. In view of this the claim of the claimant regarding difference of salary to the tune of total accrued amount of Rs. 13,35,778/- 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. 13,35,778/- within a period of 30 days. If the computed amount of Rs. 13,35,778/- 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., 19.07.2018 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 08, 2024