

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

LCA NO. 1500/ 2022

Sh. Satish S/o Sh. Ilam Chand,
Through Authorized Representative,
C/o 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 Naveen 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 Safai Karamchari. His services were regularized on the post of Mason with retrospective effect i.e., 01.04.2003. But the claimant has not been paid any difference of salary, arrear of Metric- Non Metric, arrear of 1st MACP, difference of salary due to 7th CPC amounting to Rs. 9,43,267/- (Rupees Nine Lakhs Forty Three Thousand Two Hundred And Sixty Seven Only). The claimant further claims interest on the due amount @ 18% per annum and litigation cost.
2. Calculation chart was filed by the management. The management has admitted its liability in regards to difference of salary due to 7th CPC, arrear of dress allowance to the tune of Rs. 63,221/- and has admitted that the above said amount has not been paid to the claimant. However, the management has not denied its liability to the workman in regards to difference of salary, arrear of Metric- Non Metric, arrear of 1st MACP amounting to Rs. 9,09,379/-.

3. I have gone through the pleadings and documents placed on record by the parties and have heard the arguments. It has been argued by the A/R for workman that in view of Order VIII Rule 5 of the CPC, the claim of the workman in regards to difference of salary, arrear of Metric- Non Metric, arrear of 1st MACP amounting to Rs. 9,09,379/- must also be deemed to be admitted by the management. The said arguments is correct from the legal point of view and therefore accepted. In view of the said arguments and legal position stated, the liability of the management is deemed as Rs. 9,72,600/- in regards to difference of salary, arrear of Metric- Non Metric, arrear of 1st MACP, arrear of dress allowance. The same 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. 9,72,600/- within a period of 30 days. If the computed amount of Rs. 9,72,600/- 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 application i.e., 21.04.2022 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