

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi**

25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002

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[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No.2381/1024/2021/10/5440-5442

Dated:27-05-22

In the matter of:

Sh. Aman Kumar,
R/o D-684, Gali No. 31, Amar Colony, East Gokalpur,
Delhi-110094.Complainant

Versus

The Commercial Manager,
Anand & Company,
3rd, Shop No. 309, Vashisth Complex,
Mehrauli-Gurgaon Road, Sikander pur Market,
Sikanderpur, Gurgram (Haryana)-122002.
Email: aanandandco@gmail.comRespondent

Date of Hearing: 26.05.2022

Present: Sh. Aman Kumar, Complainant.
Sh. Harpreet S. Nagpal alongwith Sh. R.S. Nagpal,
Advocate on behalf of Respondent.

ORDER

The complainant, a person with 40% locomotor disability filed a complaint dated 29.09.2021 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act and alleged that he had worked with M/s Anand & Company for a long period from 01/09/2001 to 15/06/2018 as Lift

Operator but the Company had terminated his services w.e.f. 15.06.2018, which was after expiry of his ongoing contract with the company. The above company did not pay him due gratuity for 17 years 08 months 15 days and bonus for 18 months. He informed that his wife is also a person with disability and his family is facing great financial constraints, thus, he requested this Court for getting payment of his outstanding dues from the Company.

2. The matter was taken up with respondent vide letter dated 24.12.2021 followed by reminder dated 17.02.2022 for submission of their comments. However in the absence of any response from respondent the case was fixed for hearing on 26.05.2022 and both parties submitted their respective facts as under:

(i) Complainant reiterated his written submission and again requested for clearance of his outstanding dues with regard to bonus and gratuity.

(ii) Representative of Respondent filed their written submission during hearing & informed that the Company was providing outsourced maintenance services to the State Trading Corporation of India (STC) i.e. the principal employer in the case. Upon determination of the maintenance contract award to the respondent by the State Trading Corporation of India (STC) w.e.f. 15.06.2018, complainant was directed to report for duty on different sites but he never reported for duty and also not approached the respondent for employment. Further the respondent could not release the due payment of bonus and gratuity to its respective employees, including complainant on the ground that the State Trading Corporation of India (STC) had not released the due payment to the Company yet. The representative of the respondent however, agreed that the Company is ready to pay the due amount relating to bonus and gratuity to the complainant if the principal employer – State Trading Corporation of India clears the bills.

3. After due deliberations and discussion on the case, the court recommended as under:

- (i) Court observed that complainant is entitled to get his outstanding dues from the respondent thus respondent is directed to ensure that the payment of outstanding dues with regard to bonus and gratuity be made to the complainant within one month from the date of receipt of this order.
- (ii) Though there is no direct linkage of the State Trading Corporation of India but the Court desires that the State Trading Corporation of India being Principal Employer in the instant case should clear the long pending dues and bills of the Respondent M/s Anand and Company enabling them to pay the same to their respective employees including the PwD - complainant. However, this is not to be linked to release of payment to the PwD Complainant.

4. The case is disposed of.

5. Given under my hand and the seal of the Court this 27th day of May, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities

Copy to the CMD, State Trading Corporation of India Limited (STC), Jawahar Vyapar Bhawan, Tolstoy Marg, New Delhi – 110001 w.r.t. the Para 3(ii) of the Order.