



LEGISLATIVE ASSEMBLY  
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

TWENTY SECOND REPORT OF THE SIXTH ASSEMBLY

SUBJECT: IN THE MATTER OF ALLEGED NON-PAYMENT  
OF MINIMUM WAGES IN MADAN MOHAN MALVIYA HOSPITAL

PRESENTED ON 02<sup>ND</sup> DECEMBER 2019.  
ADOPTED ON 3<sup>RD</sup> DECEMBER, 2019

**Legislative Assembly, Old Secretariat, Delhi – 110054**

---

# **INDEX**

|   |    |
|---|----|
| <b>COMPOSITION OF THE COMMITTEE</b> ..... | 3  |
| <b>PREFACE</b> .....                      | 4  |
| <b>GENESIS</b> .....                      | 5  |
| <b>INTRODUCTION</b> .....                 | 7  |
| <b>PROCEEDINGS</b> .....                  | 9  |
| <b>ISSUES RAISED</b> .....                | 17 |
| <b>OBSERVATIONS</b> .....                 | 27 |
| <b>RECOMMENDATIONS</b> .....              | 29 |

---

**DELHI LEGISLATIVE ASSEMBLY**  
**COMMITTEE ON PETITIONS**

**COMPOSITION OF THE COMMITTEE**

|                                |                 |
|--------------------------------|-----------------|
| <b>1. Sh. Saurabh Bhardwaj</b> | <b>CHAIRMAN</b> |
| 2. Sh. Pankaj Pushkar          | MEMBER          |
| 3. Sh. Akhilesh Pati Tripathi  | MEMBER          |
| 4. Ms. Bhavana Gaur            | MEMBER          |
| 5. Ms. Bandana Kumari          | MEMBER          |
| 6. Ch. Fateh Singh             | MEMBER          |
| 7. Sh. Girish Soni             | MEMBER          |
| 8. Sh. Raju Dhingan            | MEMBER          |
| 9. Sh. Dutt Sharma             | MEMBER          |

**Assembly Secretariat:**

|                      |                  |
|----------------------|------------------|
| 1. Sh. C. Velmurugan | Secretary        |
| 2. Sh. Sadanand Sah  | Deputy Secretary |
| 3. Sh. Manjeet Singh | Deputy Secretary |

## **PREFACE**

1. I, the Chairman, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Report on the petition received from Sh. Shehzad Ahmad, Delhi-110025 and Sh. Himanshu, 110065. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Prakash Jarwal, Hon'ble MLA and referred to the Committee on Petitions on 24.04.2019.
2. The Committee considered and adopted the Draft Report at their sitting held on 29.11.2019.
3. The observations/recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee for their continued guidance.
5. The Committee place on record their profound appreciation for the valuable assistance rendered to them by Sh. Sadanand Sah, Deputy Secretary; Sh. Manjeet Singh, Deputy Secretary; Sh. Subhash Ranjan, Section Officer and Miss Aqsa Anis, Associate Fellow, Delhi Assembly Research Centre and other staff(s) of the Assembly Committee in preparation of this report.

Date: 30.11.2019  
Place: Delhi



SAURABH BHARDWAJ  
CHAIRMAN  
COMMITTEE ON PETITIONS

## **GENESIS**

Labour in India has experienced the process of proletarianization during the course of its developing years. The process of formalization of labour is still limited to only few sectors. While industries have grown immensely over the last six decades, formal sector employment has remained around 7 percent of the overall work force (NCEUS, 2007). However, the growth of the informal sector has not translated into higher income or better terms of contract for informal labour.

While informal labour is defined as labour without legal rights or contracts, there are also who works under the purview of formal sector but still goes through the same exploitative processes. Informal coercive accumulation is often seen in India, which includes an owner who hires wage labour. The process even after coming into a formalized setup where labour is being hired on contracts for 'low grade jobs' decrease worker control over the pace and rhythm of work, and their bargaining power in determining wages. These processes are usually characterised by informal contracts, longer working hours, poor working conditions, social isolation, and inadequate access to basic amenities. In these circumstances, State plays an integral role in keeping a check on the exploitative nature of such Jobs.

Delhi being the Capital of India and one of the metropolitan cities, welcomes labour force from nearby states to participate in their work force. In spite of keeping the highest bar on minimum wages in Delhi (Gazette Notification, 22 Oct, 2019) it is often seen that employers tend to make it difficult for labour to get his wages correctly.

On October 14, 2019, the Supreme Court gave order in favour of the GNCT of Delhi on minimum wages. The intention of increasing the minimum wages was to reduce poverty by providing enough to meet a household's daily needs. The enhanced minimum wages for unskilled workers have been fixed at INR 14,842 per month, for semi-skilled workers at INR 16,341 per month and for skilled workers at INR 17,991 per month. After the notification,

Labour Department had run two special drives and booked over 100 employers for violating minimum wages rules.

While setting the minimum wages system in place poses pressure on employers who hire labour on contractual wages across all the sectors, hospital administration including Government hospitals are also liable to follow the legal compliances. However, there is a practice in which contracts are given to different vendors in order to provide labour for mundane tasks of maintenance at Hospitals.

With this background the Committee on Petitions carried out its proceedings on the violation of labour rights at Pt. Madan Mohan Malviya Hospital.

## **INTRODUCTION**

1. Sh. Shehzad Ahmad, Sh. Harish Kumar, Sh. Jaikumar, Sh. Gaurav Kumar, Sh. Manoj Bhati, and Sh. Tarun Sharma verbally complained to the Hon'ble MLA and Minister of Labour, Sh. Gopal Rai about the non-payment of minimum wages during his visit to Pt. Madan Mohan Malviya Hospital, Malviya Nagar on 11.12.2018. Following the complaint, Sh. Gopal Rai through the Camp Office of Minister of Labour, Employment, Development, General Administration Department filed an F.I.R at Malviya Nagar Police Station and directed the administration that the contractual workers should not be relocated from the hospital.
2. Sh. Shehzad Ahmad, Sh. Himanshu and Sh. Mahesh Kumar submitted a written complaint about the matter to the Hon'ble Chief Minister, Sh. Arvind Kejriwal during the *Jan Samwad* held at his office on 29.01.2019 that they were harassed by PWD Officials and the management of M/s Global Enterprises and M/s Texol Engineering and illegal termination and transfer on the basis of false allegations because they had complained about the issue to the Hon'ble Labour Minister.
3. Following the complaint registered at Hon'ble Chief Minister's office, Sh. Shehzad Ahmad, Jamia Nagar, Delhi-110025 and Sh. Himanshu, East of Kailash, 110065, filed a petition dated 24.04.2019 to the Hon'ble Speaker on the issue related to non-payment of minimum wages to the contractual workers by M/s Global Enterprises working at Pt. Madan Mohan Malviya Hospital, Malviya Nagar, South, New Delhi – 110017. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Prakash Jarwal, Hon'ble MLA, and referred to the Committee on Petitions on 24.04.2019.
4. It was alleged in the Petition by Sh. Shehzad Ahmad and Sh. Himanshu that their employer M/s Global Enterprises who is engaged as a contractor and providing manpower services at Pt. Madan Mohan Malviya Hospital

was not paying them minimum wages and other employee benefits as per the government provisions.

5. It was also alleged that M/s Global Enterprises was not issuing month wage slips to the employees engaged at Pt. Madan Mohan Malviya Hospital.
6. It was further alleged by Sh. Shehzad and Sh. Himanshu that their bank ATM Cards and Passbooks were taken from them and kept in custody of the management of M/s Global Enterprises.
7. It was alleged that they had complained about the issue for the past two years to Junior Engineer, Sh. Saurabh Kumar Sharma and Assistant Engineer, Sh. S.K. Ahuja of PWD (Electrical Division) but they never attended to their grievances and instead always insulted and harassed them.
8. It was further alleged that after submitting the complaint of the same grievance to the Hon'ble MLA Gopal Rai,
  - i. They were mentally tortured and harassed by the officials of PWD and management of M/s Global Enterprises;
  - ii. It was alleged that some of the staff members were terminated from their posts by putting false allegations;
  - iii. It was alleged that when they refused to leave the job, they were harassed with retrenchment and thereafter were illegally transferred to other sites by inferring false allegations;
  - iv. It was also alleged that Sh. Shehzad Ahmad has been terminated from his post at the site of Pt. Madan Mohan Hospital and illegally transferred to other site quoting false allegations/complaints of depraved performance at work despite the assurance of the Hon'ble Minister of Labour, Sh. Gopal Rai.



## **PROCEEDINGS**

1. In order to ascertain the facts and investigate the allegations levelled in the said Petition, the Committee on Petitions conducted its meetings on 14.05.2019, 03.06.2019, 17.06.2019 and 29.11.2019 and deliberated the matter comprehensively with the officers of Department of Labour, GNCT of Delhi; Department of Health and Family Welfare, GNCT of Delhi; Public Work Department, GNCT of Delhi; and the Medical Superintendent of Madan Mohan Malviya Hospital, GNCT of Delhi.
  
2. The Committee proceedings were initially aimed at finding the answers to the following issues:
  - i. Non-payment of notified minimum wages;
  - ii. Payment of less wages;
  - iii. Not issuing wages slip;
  - iv. Provision of PF and ESI not ensured
  - v. Unlawfully keeping contractual employees' Bank ATM Cards and Passbooks by the Contractor M/s Global Enterprises;
  - vi. Illegal termination of Sh. Shehzad Ahmed basis on false allegations;
  - vii. Illegal transfer of contractual worker despite directions by the Hon'ble Minister of Labour, Sh. Gopal Rai;
  - viii. Mental Torture and Harassment of the complainant contractual workers with retrenchment by the Officials of PWD and management of M/s Global Enterprises.
  
3. A copy of the said Petition was forwarded to the Secretary, Department of Health and Family Welfare, GNCTD and the Secretary, Department of Labour, GNCTD to whom the matter pertained to vide letter dated 30.04.2019 with the request to furnish comments by 10.05.2019.
  
4. In this regard, Dr. Ramesh Chugh, Medical Superintendent, Pt. Madan Mohan Malviya Hospital submitted a written response dated 02.05.2019 clarifying the following aspects:

- i. The complainant/workers mentioned in the grievance were not working under control of Pt. Madan Mohan Malviya Hospital.
  - ii. The agency M/s Global Enterprises was not engaged by the hospital for any purpose and the hospital has no contract with M/s Global Enterprises and therefore the office of the Medical Superintendent of the hospital was not the Principal Employer in this case.
  - iii. PWD having the site office at Pt. Madan Mohan Malviya Hospital & Executive Engineer Electrical (PWD), Samaj Sadan Building, Police Lines, Vikas Puri, New Delhi, is the Principal Employer in this case and was responsible for monitoring payment to the workers engaged through them.
5. A copy of the said Petition was then forwarded to the Principal Secretary, Public Work Department (PWD), GNCTD to whom the matter pertained to vide letter dated 09.05.2019 with the request to furnish comments by 14.05.2019. Further the Principal Secretary, PWD, GNCTD was directed to attend the Committee meeting scheduled on 14.05.2019 along with all the communication and supported documents.
6. Deputy Secretary, Public Work Department furnished on the said matter vide letter dated 13.05.2019 –

| <b>Allegations by Sh. Shehzad and Sh. Himanshu</b>  | <b>Comments of PWD</b>   |
|---|--|
| 1.Sh. Shehzad and Sh. Himanshu have alleged that their contractor M/s Global Enterprises, who is engaged by PWD, is not paying them minimum wages and other employment benefits.  | PWD forwarded the documents provided by M/s Global Enterprises.  |
| 2.They have been complaining about the issue from past two years to the Junior Engineer, Sh. Saurabh Kumar Sharma and Assistant Engineer, S.K. Ahuja of PWD (Electrical Division) but they never attended to their grievances and | Sh. Shahzad Ahmed and Sh. Himanshu were employed by M/s Global Enterprises in the capacity of Fire Alarm Operator from 01.12.2018 and 01.01.2019 respectively. Their allegation of reporting about the issue of non- |

|  |  |
|--|--|
| instead always insulted them and harassed them.  | payment of minimum wages for two years is false. |
| 3.They have further alleged that after the complaint was made to Sh. Gopal Rai, Hon'ble Labour Minister, GNCTD on 11-12-2018 regarding non-payment of minimum wages, PWD engineers / officials started harassing them with retrenchment. | No Comments received from PWD                    |

7. Comments by M/s Global Enterprises on the said matter enclosed in the letter by Deputy Secretary, Public Work Department dated 13.05.2019 –

| <b>Allegations by Sh. Shehzad and Sh. Himanshu</b>   | <b>Comments of M/s Global Enterprises</b>  |
|--|--|
| 1. Sh. Shehzad and Sh. Himanshu have alleged that their contractor M/s Global Enterprises is not paying minimum wages to them. | M/s Global Enterprises claimed that they have been paying the minimum wages and other employment benefits as per the prevailing Minimum Wages Act of GNCTD. In regard to their employment record, M/s Global Enterprises provided the following documents of both the employees-<br>i. Employment Card showing date of joining;<br>ii. Attendance Sheet in the form of muster roll;<br>iii. Wage Register;<br>iv. Wage Slips;<br>v. Proof of Transfer of salary to the accounts of respective workers;<br>vi. Deposition of ESIC contribution;<br>vii. Deposition of EPF contribution. |
| 2. The contractor, M/s Global Enterprises is not paying other employment benefits.   | M/s Global Enterprises claimed that they have been paying all the employment benefits as per the prevailing Minimum Wages Act of GNCTD. In regard with this, M/s Global Enterprises provided the following documents of both the employees-<br>i. Employment Card showing date of joining;<br>ii. Deposition of ESIC contribution;<br>iii. Deposition of EPF contribution.   |

|  |  |
|--|--|
| <p>3. They have further alleged that after the complaint was made to Hon'ble Minister Gopal Rai, PWD engineers/officials and contractor started harassing them with transfer and termination.</p>  | <p>M/s Global Enterprises received a complaint from the office of Assistant Engineer (E) Health HSW-I, PWD, Health Maintenance Electrical Division SW, Pt. Madan Mohan Malviya Hospital vide letter dated 06.03.2019 regarding continuous false alarm on 05.03.2019 at 10 am for about one hour and created panic situation at the time of Sh. by Sh. Shehzad and Sh. Himanshu's duty time. In the enquiry conducted by Sh. Saurabh Kumar (JE) and S.K. Ahuja (AE) of PWD, it was found that Sh. Shehzad and Sh. Himanshu couldn't rectify the fault in false fire alarm and were unable to stop the alarm. They along with along with 9 other workmen witness intimated the inefficiency of both the workers.</p> |
| <p>4. They have further alleged that after the complaint was made to Hon'ble Minister Gopal Rai, they had been illegally transferred to other site despite directions by the Hon'ble Labour Minister, Sh. Gopal Rai to not transfer or terminate them.</p> | <p>After the intimidation by PWD Officers, Sh. Shehzad and Sh. Himanshu threatened the other workmen, who had given their witness statement in the enquiry, with dire consequences and started abusing them with the outside miscreants.<br/>The workers have also registered an FIR against Sh. Shehzad and Sh. Himanshu on 11.03.2019 to protect them from the criminal activities by Sh. Shehzad and Sh. Himanshu.<br/>Considering the ignorance in work of serious nature by M/s Global Enterprises could not afford to continue with the services of Sh. Shehzad and Sh. Himanshu at the said site and thus transferred him to other site.</p>  |
| <p>5. They have further alleged that after the complaint was made to Hon'ble Minister Gopal Rai, Sh. Shehzad Ahmed was illegally terminated from the services.</p>   | <p>On request of Assistant Engineer and Executive Engineer of PWD to replace Sh. Shehzad and Sh. Himanshu, M/s Global Enterprises could not afford to continue with the services of Sh. Shehzad and Sh. Himanshu to avoid any untoward incident and therefore, terminated their services.</p>  |
| <p>6. Unlawful custody of Contractual employees' Bank ATM Cards and Passbooks by the Contractor M/s Global Enterprises;</p>  | <p>M/s Global Enterprises denied the fact that they have any contractual worker's ATM cards and Passbooks in their custody.</p>  |

8. The Committee on Petitions examined the issue in its first proceeding on 14<sup>th</sup> May 2019 and after hearing comments from the officers of concerned Departments, the Committee directed the Departments to furnish the following documents and take the following actions –

| <b>Department</b>                              | <b>Actions To Be Taken / Documents To Be Furnished</b>  |
|--|---|
| Office of the Joint Labour Commissioner, GNCTD | Submit a detailed action taken report of Labour Department in the matter  |
| Office of the Joint Labour Commissioner, GNCTD | Complete Original File in which the matter, since beginning, was dealt in the Labour Department;                                      |
| Office of the Joint Labour Commissioner, GNCTD | Submit a detailed action taken report of Police authorities in respect of complain dated 11.12.2018 filed in PS, Malviya Nagar.       |
| Office of the Joint Labour Commissioner, GNCTD | Submit detailed information of all the contracts where M/s Global Enterprises is engaged with the Departments of Government of Delhi. |
| Office of the Joint Labour Commissioner, GNCTD | List and Current Status of all the enquiries & cases against M/s Global Enterprises.  |

9. Office of the Joint Labour Commissioner, GNCTD submitted the above mentioned sought documents, details of which are as follows-

- i. M/s Global Enterprises is engaged at the following sites as a contractor with Departments of GNCTD-

| <b>S. No.</b> | <b>Name of the Establishment</b> | <b>Address</b>   | <b>No. of workers deployed</b> |
|---------------|----------------------------------|--|--------------------------------|
| 1.            | Deep Chand Bandhu Govt. Hospital | Police Station Opposite Swami Narayan Marg, Phase-IV, Sh. Ashok Vihar, | 37                             |

|    |                               |   |  |
|----|-------------------------------|---|--|
|    |                               | (North-West District), New Delhi-110052   |  |
| 2. | Bhagwan Mahavir Hospital      | H-4,5 Pitam Pura, Near Keshav Mahavidyalya,(North-West District), Delhi-110034. | 21   |
| 3. | Chacha Nehru Bal Chikitsalaya | Geeta Colony, (East District), New Delhi-110031.                                | 24   |
| 4. | Dr. Hedgewar Arogya Sansthan  | Arjun Gali, Vishwas Nagar, Shahdara, (East District), New Delhi-110032.         | 26   |
| 5. | Jawaharlal Nehru Stadium      | Pragati Vihar, New Delhi-03.  | Under the control of Central Government, MoLE, GOI |
| 6. | Indira Gandhi Stadium         | Indraprastha Estate, Grand Trunk Road, Near Raj Ghat, New Delhi-02.             | Under the control of Central Government, MoLE, GOI |

ii. The investigation of police officials from PS, Malviya Nagar presented the following conclusion on the matter-

A. *With reference to the letter No. JLC/SD/Lab/19/10264 Dt. 15/05/2019 in the matter cited above it is humbly submitted that in the present matter a number of complaint were received from both the parties i.e. employee's and employer. The employee had made allegations of withholding the salary (Minimum Wages), ATM Cards and Passbooks by the employer and the employer M/s Global Enterprises had made allegations of extortion and criminal intimidation against the alleged employees.*

B. *An enquiry was conducted in the present matter and during enquiry it was found that over 20 contractual employees of M/s Global Enterprises is working at Pt. Madan Mohan Malviya Hospital, Malviya Nagar, New Delhi. Enquiry was conducted from the above employees and during enquiry it was found that minimum wages and other perks as declared by Delhi Government are paid to them by M/s Global Enterprises in their bank accounts and they are in possession of their Passbooks and ATM Cards. A statement of 13 contractual employees of M/s Global Enterprises working at Pt. Madan Mohan Malviya Hospital, Malviya Nagar, New Delhi is attached with the reply.*

C. *From employees namely Dilip Kumar, Gaurav, Rajesh, Sh. Ashok Kumar and Manoj Kumar verbally told that they are getting minimum wages and other perks as declared by Delhi Government in their bank accounts and they are in possession of their Passbooks and ATM Card. However, they told that they will give written statement only after consulting Sh. Harish Kumar and Shahzad Ahmad. Further it is submitted that the employer M/s Global Enterprises had approached the Hon'ble Court for registration of FIR U/s 156.3 CRPC against the alleged employees.*

*D. From the enquiry made so far the allegations made in the complaint regarding Non Payment of Minimum Wages and withholding of ATM cards and Passbooks are not substantiated. Form the enquiry made so far no cognizable offence is made out and no action is required in the part of local police of PS Malviya Nagar, New Delhi. The above matter is a civil dispute.*

- iii. Joint Labour Commissioner, the office of the Deputy Labour Commissioner referred the dispute to the Labour Court of Delhi under section 12(4) of the Industrial Dispute Act, 1947 vide letter dated 13.06.2019 to ascertain if the services of Sh. Shehzad Ahmad have been terminated illegally or unjustified by the management of M/s Global Enterprises; and if so, to what relief is he entitled and what directions are necessary in this respect.
10. After considering the documents and findings provided by the Office of the Joint Labour Commissioner, GNCT, the Committee on Petitions directed the Office of the Joint Labour Commissioner, GNCTD to provide a detailed report on the violations done by the contractors and action taken on the inspection of all the contractors engaged at Pt. Madan Mohan Malviya Hospital.
11. The Office of the Joint Labour Commissioner, GNCT, undertook the inspection and filled challans /prosecution for violations noted and non-compliance of the records against the defaulting contractors.
12. In the proceeding of Committee on Petitions on 17<sup>th</sup> June 2019, the Committee was verbally informed by the Joint Labour Commissioner that both the parties of the dispute have decided to settle the matter by M/s Global Enterprises compensating the arrears to Sh. Shehzad Ahmed, Sh. Himanshu and Sh. Harish Kumar accordingly.
13. On 11.11.2019, Committee on Petitions received a complaint from two other contractual workers, Sh. Dashrat Ram and Sh. Ashok employed by the Contractor M/s Global Enterprises at Pt. Madan Mohan Malviya Hospital that -

- i. They have been terminated from the services without any fault and are threatened by the management of M/s Global Enterprises.
- ii. In addition they complained of non-payment of bonus to all the contractual workers employed by the contractors engaged under PWD.
- iii. The workers had also complained that the management of M/s Global Enterprises had been repeatedly asking them to surrender their ATM cards and Passbooks in the custody of the management of M/s Global Enterprises, only then they will be taken back on the job.



## ISSUES RAISED

### **I. Whether there has been any irregularity in paying minimum wages, bonus and other employment benefits including ESIC and EPF to the contractual workers by the contractors engaged at Pt. Madan Mohan Malviya Hospital?**

1. As per the enquiry conducted by SHO, P.S. Malviya Nagar, New Delhi, it was found that over 20 contractual employees of M/s Global Enterprises were working at Pt. Madan Mohan Malviya Hospital, Malviya Nagar, and minimum wages and other perks as declared by Delhi Government are paid to them by M/s Global Enterprises in their bank accounts and they were in possession of their ATM cards and Passbooks. A statement of 13 contractual employees of M/s Global Enterprises was recorded on paper. It was also concluded in the police report that no cognizable offence was made and no action was required in the part of local police of PS Malviya Nagar, New Delhi. The above matter was a civil dispute.
  
2. As per the inspection conducted by the Office of the Joint Labour Commissioner, GNCTD, on 09/05/2019 and 10/05/2019 at the direction of the Committee on Petitions, following violations by the contractor engaged at Pt. Madan Mohan Malviya Hospital came to light and respective actions were taken by the Office of the Joint Labour Commissioner, GNCTD-

| <b>S. No.</b> | <b>Name of the Contractor</b>          | <b>Nature of Work</b> | <b>No. of workers employed</b> | <b>No. of workers contacted</b> | <b>Whether minimum wages paid</b>                      | <b>Violation noted</b>   | <b>Remarks / Action Taken</b>  |
|---------------|--|-----------------------|--------------------------------|---------------------------------|--|--|--|
| 1.            | M/s Orion Security Solutions Pvt. Ltd. | Nursing orderlies     | 67                             | 10                              | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | 1. CL & PL not provided<br>2. Appointment letter not issued<br>3. Wages slips not issued<br>4. Bonus not paid to some of the workers | Notice under the minimum wages Act & Contract Labour Act issued for 14.05.2019 at 1:00 PM. |

|    |                                   |                                       |    |    |  |  |  |
|----|-----------------------------------|---------------------------------------|----|----|--|--|--|
| 2. | M/s Kartikay Enterprises          | Sanitation and House Keeping Services | 33 | 18 | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | 1. CL & PL not provided<br>2. Appointment letter not issued<br>3. Wages slips not issued<br>4. Bonus not paid                              | Notice under the minimum wages Act & Contract Labour Act issued for 14.05.2019 at 1:00 PM. |
| 3. | M/s GA Digital Web Word Pvt. Ltd. | OPD Registration                      | 4  | 4  | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | 1. CL & PL not provided<br>2. Appointment letter not issued<br>3. Wages slips not issued to some of the workers                            | Notice under the minimum wages Act & Contract Labour Act issued for 14.05.2019 at 1:00 PM. |
| 4. | M/s Prime Services                | Kitchen Service                       | 4  | 4  | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | 1. CL & PL not provided<br>2. Appointment letter not issued<br>3. Wages slips not issued   | Notice under the minimum wages Act & Contract Labour Act issued for 14.05.2019 at 1:00 PM. |
| 5. | M/s Global Enterprises            | Electrical Work                       | 26 | 7  | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | 1. CL & PL not provided<br>2. Appointment letter not issued<br>3. Wages slips not issued<br>4. Bonus not paid                              | Notice under the minimum wages Act & Contract Labour Act issued for 14.05.2019 at 1:00 PM. |
| 6. | M/s Texole Engineering            | ETP Plant Operation                   | 2  | 1  | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | 1. CL & PL not provided<br>2. Appointment letter not issued<br>3. Wages slips not issued<br>4. Bonus not paid<br>5. ESIC & PF not provided | Notice under the minimum wages Act & Contract Labour Act issued for 14.05.2019 at 1:00 PM. |
| 7. | M/s Efficient Systems             | AC Plant Operation                    | 2  | 2  | No   | 1. CL & PL not provided<br>2. Appointment letter not issued<br>3. Wages slips not issued<br>4. Bonus not paid<br>5. ESIC & PF not provided | Notice under the minimum wages Act issued for 14.05.2019 at 1:00 PM.                       |
| 8. | M/s Cromtech Systems              | Telephone Operator                    | 1  | 1  | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | Bonus not paid   | Notice under the minimum wages Act issued for 14.05.2019 at 1:00 PM.                       |

|     |                      |                   |   |   |  |                |  |
|-----|----------------------|-------------------|---|---|--|----------------|--|
| 9.  | M/s Sonal System     | Computer Operator | 1 | 1 | 1. Yes<br>2. Workers are provided ESIC & EPF facility. | Bonus not paid | Notice under the minimum wages Act issued for 14.05.2019 at 1:00 PM. |
| 10. | M/s Honey Collection | AC Maintenance    | 1 | 1 | 1. Yes<br>2. Workers are provided ESIC & EPF facility. |                | Notice under the minimum wages Act issued for 14.05.2019 at 1:00 PM. |

3. During the inspection it was reported by the workers to the Labour Inspector that wages was being paid at notified Minimum Wages by the Delhi Govt. and the same is being transferred in their account through ECS. But during the inspection contractor failed to produce the records before Inspecting Officer and Labour Inspector issued notices under Minimum Wages Act, 1948, Payment of Bonus Act, 1965 and Contract Labour (R&A) Act, 1970 to all the contractors providing manpower services at Pt. Madan Mohan Malviya Hospital for production of statutory records on 14/05/2019 before Labour Inspector in District South.

4. On failure of production of the said requisite documents, Labour Inspector filed challan/prosecution for noted violations and non-compliance/non-submission of the records in respect of notices issued by him under **Minimum Wages Act, 1948**, in the Court of Metropolitan Magistrate, Patiala House Evening Court, New Delhi against the defaulting Contractors. The details of Action Taken on notices by Labour Inspector is as under-

| S.No. | Name and address of the establishment   | Date of filling the challan | Date of hearing |
|-------|---|-----------------------------|-----------------|
| 1.    | <b>M/s Orion Security Solutions Pvt. Ltd.,</b><br>5-E, 1 <sup>st</sup> Floor, Jungi House, Street No-5,<br>New Delhi-110049 | 24/05/2019                  | 26/11/2019      |
| 2.    | <b>M/s Kartikay Enterprises,</b>  | 24/05/2019                  | 26/11/2019      |

|     |  |            |  |
|-----|--|------------|--|
|     | 1/376 Asha Ram Marg, GT Road, Shahdara, Delhi-110032   |            |  |
| 3.  | <b>M/s Global Enterprises,</b><br>Plot No-82, New DLF Faridabad, Haryana.                              | 24/05/2019 | 26/11/2019                             |
| 4.  | <b>M/s Honey Collection,</b><br>13-3/105, Paschim Vihar, New Delhi-110063.                             | 24/05/2019 | 26/11/2019                             |
| 5.  | <b>M/s Chromatrack System,</b><br>6/14, WEA, Karol Bagh, New Delhi.                                    | 02/07/2019 | 21/08/2019                             |
| 6.  | <b>M/s Efficient System,</b><br>B-23, Shalimar Village, New Delhi-110088.                              | 02/07/2019 | 21/08/2019                             |
| 7.  | <b>M/s Texol Eng.</b><br>B-14, 2 <sup>nd</sup> Floor, FIEE Industrial Area, Parparganj, New Delhi.     | 02/07/2019 | 21/08/2019                             |
| 8.  | <b>M/s Sonal Enterprises Pvt. Ltd.,</b><br>K-60 B, 2 <sup>nd</sup> Floor, Lajpat Nagar-II, New Delhi.  | 08/07/2019 | Kept for Consideration before MM Court |
| 9.  | <b>M/s GA Digital Web Word Pvt. Ltd.,</b><br>1, Hargovind Enclave, Vikas Marg Extn., New Delhi-110092. | 08/07/2019 | Kept for Consideration before MM Court |
| 10. | <b>M/s Prime Services,</b><br>F-30, Moti Nagar, Delhi.   | 08/07/2019 | Kept for Consideration before MM Court |

5. Inspecting Office filed challan/prosecution noted violations and non-compliance/non-submitting of the records in respect of notices issued by him under **Contract Labour (R&A) Act, 1970** in the Court of Metropolitan Magistrate, Patiala House Evening Court, New Delhi against the defaulting Contractors. The details of Action Taken on notices by Labour Inspector is as under:-

| <b>S. No.</b> | <b>Name and address of the establishment</b>   | <b>Date of filling the challan</b> | <b>Date of hearing</b>                 |
|---------------|--|------------------------------------|--|
| 1.            | <b>M/s Orion Security Solutions Pvt. Ltd.,</b><br>5-E, 1 <sup>st</sup> Floor, Jungi House, Street No-5, New Delhi-110049 | 03/07/2019                         | Kept for Consideration before MM Court |
| 2.            | <b>M/s Kartikay Enterprises,</b><br>1/376 Asha Ram Marg, GT Road, Shahdara, Delhi-110032                                 | 03/07/2019                         | Kept for Consideration before MM Court |
| 3.            | <b>M/s Global Enterprises,</b><br>Plot No-82, New DLF Faridabad, Haryana.  | 03/07/2019                         | Kept for Consideration before MM Court |

6. All the Contractors engaged at Pt. Madan Mohan Malviya Hospital were charged for the violations under the provisions of relevant sections, details of which are given below -

| <b>S. No.</b> | <b>Name of the Contractor</b>          | <b>Minimum Wages Act,1948</b>   | <b>Section 23 of Contract Law (Regulation &amp; Abolition Act), 1970</b>   | <b>Remarks</b>  |
|---------------|--|---|--|---|
| 1.            | M/s Orion Security Solutions Pvt. Ltd. | <ol style="list-style-type: none"> <li>1. Failed to produce Register of Wages.</li> <li>2. Failed to produce the register of Muster Roll.</li> <li>3. Failed to produce the Wages Slip.</li> <li>4. Failed to produce the Register of Fines.</li> <li>5. Failed to produce the Register of Overtime.</li> </ol> | <ol style="list-style-type: none"> <li>1. Accused was found employing more than 20 workmen.</li> <li>2. Commencement of contract works has not been intimated to the Inspector in Form VI-A within 15 days as required under Rule-25(2)(viii).</li> <li>3. Application for license as required under Section 12(1) of the Contract Labour (R&amp;A) Act, 1970 has not been filed in respect of the stated work and thus have violated the said section of the Act.</li> <li>4. Register of wages &amp; Muster Roll not maintained /kept at worksite or within 3Kms. In Form XVI &amp; XVII. Breach of Rule-78(1)(i) read with Rule-78(1)(d).</li> <li>5. The Register of persons employed has not been maintained/produced in Form XIII Breach of Rule-75 read with Rule-80(1).</li> <li>6. Wage slips not issues to workers at all. Breach of Rule-78(1)(b).</li> </ol> | Accused persons have contravened the Item No. 1,2,3,4,5 & 18 of the notice dated 24.05.2019, thus rendered themselves liable for prosecution under Section 23 of the Act. |
| 2.            | M/s Kartikay Enterprises               | <ol style="list-style-type: none"> <li>1. Failed to produce Register of Wages.</li> <li>2. Failed to produce the register of Muster Roll.</li> <li>3. Failed to produce the Wages Slip.</li> <li>4. Failed to produce the Register of Fines.</li> <li>5. Failed to produce the Register of Overtime.</li> </ol> | <ol style="list-style-type: none"> <li>1. Accused was found employing more than 20 workmen.</li> <li>2. Commencement of contract works has not been intimated to the Inspector in Form VI-A within 15 days as required under Rule-25(2)(viii).</li> <li>3. Application for license as required under Section 12(1) of the Contract Labour (R&amp;A) Act, 1970 has not been filed in respect of the stated work and</li> </ol>  | Accused persons have contravened the Item No. 1,2,3,4,5 & 18 of the notice dated 24.05.2019, thus rendered themselves liable for prosecution under Section 23 of the Act. |

|    |                                   |  |  |  |
|----|-----------------------------------|--|--|--|
|    |                                   |  | <p>thus have violated the said section of the Act.</p> <p>4. Register of wages &amp; Muster Roll not maintained /kept at worksite or within 3Kms. In Form XVI &amp; XVII. Breach of Rule-78(1)(i) read with Rule-78(1)(d).</p> <p>5. The Register of persons employed has not been maintained/produced in Form XIII Breach of Rule-75 read with Rule-80(1).</p> <p>6. Wage slips not issues to workers at all. Breach of Rule-78(1)(b).</p>  |  |
| 3. | M/s GA Digital Web Word Pvt. Ltd. | <p>1. Failed to produce Wage Slip in Form-XI.</p> <p>2. Failed to produce the register of Muster Roll.</p>   |  |  |
| 4. | M/s Prime Services                | <p>1. Failed to produce Annual Return in Form-III.</p> <p>2. Failed to produce the leave register in Form-I.</p> <p>3. Failed to produce Letter of appointment.</p>  |  |  |
| 5. | M/s Global Enterprises            | <p>1. Failed to produce Register of Wages.</p> <p>2. Failed to produce the register of Muster Roll.</p> <p>3. Failed to produce the Wages Slip.</p> <p>4. Failed to produce the Register of Fines.</p> <p>5. Failed to produce the Register of Overtime.</p> | <p>1. Accused was found employing more than 20 workmen.</p> <p>2. Commencement of contract works has not been intimated to the Inspector in Form VI-A within 15 days as required under Rule-25(2)(viii).</p> <p>3. Application for license as required under Section 12(1) of the Contract Labour (R&amp;A) Act, 1970 has not been filed in respect of the stated work and thus have violated the said section of the Act.</p> <p>4. Half yearly return for the half yearly ending December-2018 has not been submitted in Form XXIV to the Licensing Officer. Breach of Rule-82(1).</p> | <p>Accused persons have contravened the Item No. 1,2,3,4,5 &amp; 18 of the notice dated 24.05.2019, thus rendered themselves liable for prosecution under Section 23 of the Act.</p> |
| 6. | M/s Texole Engineering            | <p>1. Failed to produce Register of Wages.</p>   |  |  |

|     |                       |  |  |  |
|-----|-----------------------|--|--|--|
|     |                       | <p>2. Failed to produce the register of Muster Roll.</p> <p>3. Failed to produce the Wages Slip.</p> <p>4. Failed to produce the Register of Fines.</p> <p>5. Failed to produce the Register of Overtime.</p>  |  |  |
| 7.  | M/s Efficient Systems | <p>1. Failed to produce Register of Wages.</p> <p>2. Failed to produce the register of Muster Roll.</p> <p>3. Failed to produce the Wages Slip.</p> <p>4. Failed to produce the Register of Fines.</p> <p>5. Failed to produce the Register of Overtime.</p> |  |  |
| 8.  | M/s Cromtech Systems  | <p>1. Failed to produce Register of Wages.</p> <p>2. Failed to produce the register of Muster Roll.</p> <p>3. Failed to produce the Wages Slip.</p> <p>4. Failed to produce the Register of Fines.</p> <p>5. Failed to produce the Register of Overtime.</p> |  |  |
| 9.  | M/s Sonal System      | <p>1. Failed to produce Annual Return in Form-III.</p> <p>2. Failed to produce Wage slip in Form-XI.</p>   |  |  |
| 10. | M/s Honey Collection  | <p>1. Failed to produce Register of Wages.</p> <p>2. Failed to produce the register of Muster Roll.</p> <p>3. Failed to produce the Wages Slip.</p> <p>4. Failed to produce the Register of Fines.</p> <p>5. Failed to produce the Register of Overtime.</p> |  |  |

7. It was also submitted by the Office of the Joint Labour Commissioner that the **Payment Of Bonus** for the year 2018-19 will be due in the month of Nov-2019 as per the provision of Payment of Bonus Act, 1965 (Payment of Bonus is to be paid to the workers in the financial year closing within 8 months)

and that the contractor's manager M/s Global Enterprises will pay accordingly to the workers. No further communication or final status was received from the Office of the Joint Labour Commissioner in this regard.

8. It was also submitted by the Office of the Joint Labour Commissioner that to ensure the **Payment of EPF and ESIC**, a letter to Director, ESIC and RPFC, was sent on 10/05/2019 to ensure the compliance of provision of ESIC Act, 1948 and EPF and MP Act, 1952 to ensure the compliance of provisions of the said Acts by the contractors engaged and providing manpower services at Pt. Madan Mohan Malviya Hospital.
9. The Chairman also desired to check the bank statements of the workmen so as to see whether withdrawal of the amount from the accounts of the workmen has been made from the same ATM cards at the same time.
10. As per direction of the Committee on Petitions, the office of the Joint Labour Commissioner, GNCTD the bank statement of the workers were obtained from the Oriental Bank of Commerce, Defence Colony and Canara Bank, SME Narayana accounts of 35 workers were examined but nothing was found to substantiate the allegation that the amount was withdrawn by the contractor.  
However, there has been a repeated complaint regarding the illegal custody of ATM cards and Passbooks with the management of M/s Global Enterprises.

## **II. Whether Sh. Shehzad Ahmed and Sh. Himanshu was terminated illegally or unjustified by the management of M/s Global Enterprises?**

1. As per the report submitted by the PWD and M/s Global Enterprises, the contractor M/s Global Enterprises removed the above workers due to misconduct, carelessness and negligence from duty, on their part as conveyed to it through the letter from Executive Engineer, PWD dated 18-



03-2019 and Assistant Engineer, PWD dated 06-03-2019. The Executive Engineer, PWD also recommended to the contractor for their removal as they could not handle the panic situation created due to triggering of false alarm in the fire alarm system installed in the hospital building on 05-03-2019.

2. Statement of claim was filed by all the 03 workmen namely Sh. Harish Kumar, Sh. Himanshu and Sh. Shehzad in conciliation under Industrial Disputes Act, 1947 alleging their Illegal Termination and proceedings were held. On failure of conciliation, the matter was referred to Labour Court for adjudication and the copy of reference order dated 13.06.2019 was submitted before the Committee.

3. On 17th June 2019, during the proceeding, the Committee was apprised verbally that matter between the complainant workmen named Sh. Shehzad, Sh. Harish & Sh. Himanshu and the contractor M/s Global Enterprises was settled through mediation and had filed a copy of settlement in the South office on 17/06/2019. The following reimbursement was given to the respective employees-

- 1) Sh. Harish Kumar – INR 1,00,00/-
- 2) Sh. Shehzad Ahmed – INR 40,000/-
- 3) Sh. Himanshu – INR 40,000/-

The Secretary, Labour Department during the Committee meeting on 29.11.2019 apprised the Committee that the settlement was done in front of him and he bore witness to the settlement. Receipt of the same was also documented at the Department.

4. However when the Committee perused the case of Sh. Dashrat Ram and Sh. Ashok on 29.11.2019, they stated in front of the Committee that they have been asked to leave the job on 06.11.2019 without any intimation. They shared that they contacted supervisor Sh. Nitin Sharma and Sh. Taranjeet Singh of M/s Global Enterprises for reasons but they did not get any response from them. Hospital administration also refused to help in this

matter, as they were contractual labours outsourced by M/s Global Enterprises.

5. During inquiry, it was revealed that on 13.11.2019, a transfer letter on back date for Sh. Dashrath Ram & Sh. Ashok Kumar was put on the notice board of Hospital. Sh. Dashrath Ram & Sh. Ashok Kumar were not informed by any of the representatives of M/s Global Enterprises for the same.
6. It was cleared during meeting that it was done purposefully by Sh. Taranjeet Singh (Manager) and Nitin Sharma (Supervisor) in order to safeguard themselves.
7. Deposition of Sh. Taranjeet Singh; Sh. Sandeep Kumar Dass, Assistant Engineer (PWD) ; and Sh. Nikhil Chakraborty, Junior Engineer (PWD) also proved connivance of these two officers of PWD with the contractor M/s Global Enterprises in order to harass contractual staff at the said hospital.
8. The Committee noted that Sh. Taranjeet Singh, Sh. Sandeep Kumar Dass and Sh. Nikhil Chakraborty tried to mislead the Committee and manipulated the facts. Their connivance was quite visible in Committee proceedings.

## **OBSERVATIONS**

1. The Committee observed that even after the clearance by the office of the Joint Labour Commissioner, GNCTD that nothing was found to substantiate the allegation that the amount was withdrawn by the contractor from the ATM cards of the contractual worker, there were a repeated complaint by various contractual workers regarding the illegal custody of their ATM cards and Passbooks with the management of M/s Global Enterprises. Committee feels Government Agencies lack the will and resources to investigate such irregularities.
  
2. The Committee observed during inquiry, that M/s Global Enterprises had again started the practice of keeping the contractual workers' ATM Cards and Passbooks in custody by threatening them with the termination of services.
  
3. The Committee observed that Sh. Shehzad, Sh. Himanshu and Sh. Harish had been paid arrears by M/s Global Enterprises as per the confirmation by the Secretary, Labour Department. However, the Committee was surprised that they didn't attend the Committee meetings once they got compensation.
  
4. The Committee observed that there were repeated complaints against M/s Global Enterprises by various contractual workers for violating various labour laws pertaining to Minimum Wages Act, 1948; Payment of Bonus Act, 1965; and Contract Labour (R&A) Act, 1970.
  
5. The Committee observed that the officials of PWD (Electrical Division) deployed at the Pt. Madan Mohan Malviya Hospital are guilty of supporting M/s Global Enterprises in unfair treatment of the contractual labours.

6. The above mentioned Assistant Engineer (AE) and Junior Engineer (JE) of PWD along with Sh. Taranjeet Singh of M/s Global Enterprises were found guilty of misleading the Committee. Thus consciously committing breach of privileges and contempt of Delhi Legislative Assembly.

## **RECOMMENDATIONS**

1. The Committee recommends to investigate the matter of illegally keeping of contractual workers' ATM cards and Passbooks by the management of M/s Global Enterprises since there have been repeated complaints about the issue. The investigation should be concluded in 90 days.
2. The Committee recommends to investigate if the F.I.R. lodged by the other nine contractual workers of M/s Global Enterprises against Sh. Shehzad and Sh. Himanshu was genuine or they had done it due to pressure by the management of M/s Global Enterprises and the PWD Officials.
3. The Committee recommends to conduct inspection by the Joint Labour Commissioner on all the sites where M/S Global Enterprises is engaged as a contractor and providing manpower services to the Departments of GNCT of Delhi.
4. The Committee recommends to cancel the license of M/S Global Enterprises since there were repeated violations in respect to Labour Laws.
5. Committee recommends that Sh. Sandeep Kumar Dass, Assistant Engineer (PWD) ; Sh. Nikhil Chakraborty, Junior Engineer (PWD) and Sh. Taranjeet Singh of M/s Global Enterprises should be imprisoned for at least 3 months duration for breach of privileges of the Assembly Committees.
6. Committee recommends departmental proceedings against the officials of PWD (Electrical Division) namely (1) Sh. Saurabh Kumar Sharma, Junior Engineer; (2) Sh. S.K. Ahuja, Assistant Engineer; (3) Sh. Nikhil Chakraborty, Junior Engineer; and (4) Sh. Sandeep Kumar Dass, Assistant Engineer, for conniving with M/s Global Enterprises in unfair treatment of labour and misleading the Committee during its meeting.

7. The Committee recommends the Joint Labour Commissioner to notify an advisory in order to blacklist M/s Global Enterprises as a vendor for providing manpower services to all the Departments of GNCT of Delhi.
8. The Committee recommends the Joint Labour Commissioner to inquire all the contractual labourers working at Pt. Madan Mohan Malviya Hospital and contractual labourers working under M/s Global Enterprises at other sites with the Departments of Government of Delhi and ensure that all of them are getting minimum wages along with other employee benefits and also should examine the issue of forceful keeping of ATM cards and Passbooks of the workers by the contractors.
9. The worthy Chief Secretary, GNCT of Delhi is requested to submit the Action Taken Report to the Committee on Petitions on the recommendations within 180 days from the date of presentation of report in the House.



Date: 30.11.2019  
Place: Delhi

SAURABH BHARDWAJ  
CHAIRMAN  
COMMITTEE ON PETITIONS