

Party Name : SUNIL DEBNATH Vs THE HEAD GEO-PHYSICS, ONGC LTD

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

The Workmen's Compensation Commissioner by a common award decided as many as nine separate petitions filed by nine workmen. The workmen were aggrieved by the award of the Commissioner and instead of filing nine separate appeals they filed one appeal.

When the matter was taken up for hearing a preliminary objection was raised that one joint appeal is not maintainable. Thereafter, the applicant-appellants 2 to 9 have moved this application praying that their names may be deleted from the array of appellants and the connected appeal may be treated to be an appeal only on behalf of appellant No.1. They have also prayed that they may be given permission to file separate appeals.

Sri S. Deb, learned senior counsel appearing for the respondents submits that though he has no objection to the prayer that the names of appellants 2 to 9 be deleted from the array of appellants but he opposes the prayer for permission to file fresh appeals.

I have considered the matter. We cannot forget the fact that the applicant-appellants are poor workmen. They are not well versed with the intricacies of law. They will act as advised by the counsel. The mistake, if any, was of the counsel in filing one joint appeal. The applicant-appellants 2 to 9 cannot be debarred of their right of filing appeal because of the mistake of the counsel.

Therefore, the application is allowed and they are permitted to file fresh appeals. It is, however, made clear that if such appeals are filed the respondents shall be at liberty to take all objections available to them.

List the appeal {MFA(WC) No.23 of 2007} for hearing on 25th March 2015.

The CM application is disposed of.