

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.3349 of 2004

JUDGMENT:

This appeal is against order dated 29-05-2004 in W.C. Case No.16 of 2001 on the file of Commissioner for Workmens' Compensation & Assistant Commissioner of Labour, Vijayawada, whereunder, claim of appellant herein is dismissed on the ground that appellant has not impleaded all the legal representatives of deceased to the claim petition and failed to plead about the dependency, earnings of the deceased and nature of the job of deceased.

2. Brief facts leading to this appeal are as follows:

Deceased Ramanaiah was working in Railways and he died accidentally during course of employment and wife of the deceased submitted application to the Assistant Commissioner of Labour, Vijayawada, claiming compensation under Workmen's Compensation Act, and lower authority dismissed application on the ground that all the legal representatives are not added and the required information is not clearly pleaded in the application.

3. Heard both sides

4. Advocate for appellant submitted due to inadvertence, the required information is not pleaded, but respondents admitted in the counter that applicant is wife of deceased. He submitted that department provided job to the son of deceased and granted pension to petitioner herein, but the son of deceased after getting job, neglected petitioner that an opportunity may be given to the appellant to make necessary amendments to the claim application

and to prosecute her application as it is a beneficial legislation, for which, no objection is raised.

5. Considering the request of advocate for appellant, impugned order dated 29.05.2004 in W.C.No.16 of 2001 is set aside and the matter is remitted back to lower authority for disposal in accordance with law by giving liberty to petitioner herein to produce necessary information and evidence in support of the claim made in the application and that lower authority shall decide the matter within three (03) months from the date of receipt of this order.

6. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs. Miscellaneous petitions, if any pending, in this appeal shall stand closed.

S. RAVI KUMAR, J

Date: 27.04.2015
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