

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 113 of 2016**

1. Smt. Amrika Bai W/o Niranjana Singh, now Aged About 47 Years
2. Niranjana Singh S/o Manrakhan Lal, now Aged About 52 Years

Both R/o. Village Achhoti, Post Murmunda, P.S. Ahiwara, District Durg
(Chhattisgarh)

---- Petitioners**Versus**

1. Manager, Bafna Earth Movers Limited Malviya Nagar, Durg, District Durg
(Chhattisgarh)
2. Commissioner For Workman Compensation, Durg, District Durg
(Chhattisgarh)

---- Respondents

For Petitioners : Shri Praveen Dhurandhar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/05/2016**

1. On account of death of petitioners' son Hemant Kumar, an application for compensation under the Employees Compensation Act, 1923 (for short 'the Act, 1923') was moved before the labour Court, which was allowed on 6-5-2013 directing respondent No.1 to make payment of Rs.3,84,913/- to the petitioners. On deposit of the said amount, an amount of Rs.84,913/- was paid to the petitioners in cash and the remaining amount of Rs.3Lakhs was deposited by way of FDR for Rs.1,50,000/-in the name of petitioner No.1 Smt. Amrika Bai for eight years and the balance amount of Rs. 1,50,000/- was deposited for a period of 7 years in the name of petitioner No.2 Niranjana Singh.
2. The petitioners moved an application before the Commissioner, Employees

Compensation-cum-labour Court, Durg (for short 'the Commissioner') for premature payment of the entire amount on the ground that the petitioners have to renovate/re-construct their house at village Achhoti, district Durg. In support of the application, Shri Nand Kumar Chauhan, Kotwar of village Achhoti, Smt. Amrika Bai petitioner No.1 herein and Shri Hem Lal Sahu, Sarpanch of the village have been examined.

3. The labour Court has dismissed the application on the ground that the amount is deposited for the livelihood of the petitioners, therefore, the entire amount cannot be paid to the petitioners prior to the date of maturity of the fixed deposit.
4. Having perused the papers and the order passed by the labour Court, it would appear that the labour Court has not disbelieved the reason assigned for premature withdrawal of the amount. Right to proper shelter is one of the facet of right to livelihood, inasmuch as, if the house belonging to the petitioners is in dilapidated condition, they have to repair/renovate the same, which will assist them in earning livelihood in a dignified way. The labour Court should at least have allowed part of the relief, so that the petitioners are able to repair the house and at the same time, the remaining amount remains in the account.
5. For the foregoing, the writ petition is allowed in part. The Commissioner shall pass necessary orders to permit the petitioners to withdraw the amount of Rs.1,50,000/- deposited as fixed deposit in the name of petitioner No.2 Niranjana Singh. The amount deposited in the name of petitioner No.1 Smt. Amrika Bai shall remain deposited till its maturity.

Sd/-

Judge
Prashant Kumar Mishra

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