

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.41335 of 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Labour appearing for respondent Nos.1 to 3.

2. Petitioners had filed the Writ Petition alleging that 1st petitioner's husband suffered an accident while driving a lorry owned by his employer and died on 10-06-2002; that a claim under the Workmen's Compensation Act, 1923, W.C.No.479 of 2003 was made before 3rd respondent which was allowed on 14-05-2008 granting compensation of Rs.3,59,536/-; that this order was modified by this Court in an appeal filed by 4th respondent, C.M.A.No.30 of 2009 on 23-06-2011; that the said order was also reviewed in Review C.M.A.M.P.No.2071 of 2011 by this Court on 28-03-2012, but thereafter, when the petitioners sought for release of the amount, the respondent No.3 did not release the same. It was alleged that application was filed before the Deputy Commissioner of Labour, Nizamabad seeking information under Right to Information Act, 2005 on 03-05-2013, and on 26-10-2013 to 2nd respondent and 2nd respondent sent a letter to meet him in the office, but thereafter nothing transpired.

3. In the counter affidavit filed by 3rd respondent, it is stated that a sum of Rs.4,16,396/- was paid by 3rd respondent to 1st petitioner on 05-12-2016.

4. The 2nd respondent filed a counter stating that 4th respondent had deposited an amount of Rs.5,21,327/- in the office of 2nd respondent on 30-07-2008 basing on the order of the primary authority against which the

appeal C.M.A.No.30 of 2009 was disposed of on 23-06-2011. He contended that In order to distribute the compensation, a separate order of distribution among the dependents of the deceased is required to be passed under the Workmen's Compensation Act, 1923. He stated that the Assistant Commissioner of Labour sent a Distribution Order dt.29-09-2014 to 2nd respondent to release amount to the dependents of the deceased for only Rs.3,59,536/- whereas the total deposited amount of Rs.5,21,327/- and only after a revised distribution order dt.29-11-2016 was sent to the office of 2nd respondent by 3rd respondent, cheques were issued to 3rd respondent on 30-11-2016 and the amount was disbursed to the petitioners on 05-12-2016.

5. It is indeed strategic that though death of the husband of the petitioner took place in the year 2002, the compensation under the Workmen's Compensation Act was disbursed 14 years later on 05-12-2016 in spite of the fact that C.M.A.No.30 of 2009 filed by 4th respondent was disposed of on 23-06-2011 itself, though the order was later modified to some extent on 28-03-2012. No valid reason for delaying the payment of compensation after 28-03-2012 has been assigned by respondent Nos.2 and 3 for a period of 4 years 9 months from the date when the Review Petition was decided by this Court.

6. The respondent Nos.2 and 3 cannot be exonerated for this gross negligence in providing relief to the petitioners who had succeeded in getting compensation from 3rd respondent which was also confirmed by the High Court by 28-03-2012. Why the 2nd respondent asked petitioner to meet him personally in response to petitioner's letter dt.26-10-2013 under R.T.I. Act, 2005 is not explained.

7. Therefore, the Writ Petition is disposed of directing 1st respondent to initiate disciplinary proceedings against the persons responsible for the delay in disbursing of the amount payable to the petitioners after 28-03-2012 till 05-12-2016. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-12-2016
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