

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.30112 of 2013

ORDER

This writ petition is filed seeking to declare the order dated 6.7.2013 in E.P.No.5 of 2010 passed by the 1st respondent, as arbitrary and illegal.

The petitioner-Company states that a settlement was arrived at between the Management and the Workmen before the Regional Labour Commissioner (Central), Hyderabad, on 3.1.1999, under Section 12 (3) of the Industrial Disputes Act, 1947. By virtue of the said settlement, the monthly monetary compensation to family dependants of deceased employees as also the workmen who have been declared medically unfit by the Medical Board on or after 1.7.1996 were to be given at the rate of Rs.2,000/- with effect from 1.4.1998. The 2nd respondent submitted an application on 16.8.1997 with a request to provide employment to her son-in-law. But, however, on verification of the record of the deceased-workman, it was noticed that the deceased was having a daughter viz., Sravanthi, aged about 3 years as on April, 1992 and another daughter viz., Sridevi, aged about one and half years as on October, 1993. Thus, as on the date of the application, the age of the eldest daughter would be around 8 years and there is no scope for considering the case of her son-in-law for appointment. However, in the application, she stated that her eldest daughter is aged about 16 years as on 14.8.1997 and the same was pointed out

by the mother of the deceased in her complaint dated 7.7.1997, accordingly, the case for employment was rejected. Thereafter, the 2nd respondent filed I.D.No.118 of 2004 and the same was withdrawn with liberty to settle the dispute before appropriate authority. Thereafter, the 2nd respondent filed E.P.No.5 of 2010 before the 1st respondent on the basis of settlement and an order was passed on 6.7.2013 holding that the 2nd respondent is entitled to monthly monetary compensation from 1.4.1998. Challenging the same, the present writ petition is filed.

This Court by order dated 22.10.2013 granted interim stay. Seeking vacation of the said order, WVMP No.971 of 2014 is filed by the 2nd respondent.

It is stated in the affidavit filed in support of the petition that the application was filed seeking employment in respect of the person who was engaged to the eldest daughter of the second respondent, but the same was rejected on the ground that the eldest daughter does not have marriageable age and a fraud was played by her. Though the brother-in-law of the second respondent sought employment in the alternative, the same was also denied to him.

Be that as it may, so far as the employment is concerned, no employment was provided to the dependants of the deceased and with regard to entitlement to the monthly monetary compensation, there is no dispute. The second respondent is entitled to monthly monetary compensation as per the settlement dated 3.1.1999 and

the said aspect was taken into consideration by the first respondent in its order dated 6.7.2013.

In view of the same, this Court is not inclined to interfere with the order of the 1st respondent.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

12th September, 2016
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