

HONOURABLE SRI JUSTICE S.RAVI KUMAR

C.M.A.No.790 OF 2004

Dated 5-1-2016

Between:

The Oriental Insurance Company Limited, Divisional
Office, Alankar Theatre Road, Suryapet.

..Appellant.

And:

Dharavath Somla and others.

..Respondents.

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JUDGMENT:

This appeal is preferred challenging the order of the Assistant Commissioner of Labour, Nalgonda who is the Commissioner for Workmen's Compensation.

First respondent and second respondent preferred claim before the Commissioner of Workmen's Compensation for a sum of Rs.4,00,000/- contending that the deceased was earning Rs.4,000/- per month towards wages and aged about 20 years at the time of his death. The Commissioner for Workmen's Compensation on a consideration of material on record fixed Rs.2,006/- towards basic and cost of living allowance to the deceased and on that basis calculated the compensation and granted Rs.2,67,008/- as against the claim of Rs.4,00,000/-. Aggrieved by the said order, Insurance Company preferred the present appeal.

Appeal against one of the claimants i.e., R.1 was dismissed on 23-3-2011 and that order has become final and award passed by the Assistant Commissioner of Labour has become final in respect of first respondent i.e., one of the claimants.

Heard arguments.

Advocate for appellant submitted that there is no material before the Assistant Commissioner of Labour in respect of the claim made by the respondents 1 and 2. But the Commissioner awarded compensation of

Rs.2,67,008/-.

I have perused the material papers.

As seen from the record, there is no dispute with regard to relationship of employee and employer between deceased and 3rd respondent herein. There is also no dispute with regard to existence of Insurance Policy as on the date of death of deceased and its coverage for deceased employee. Third respondent herein who is employer of the deceased admitted the wage of deceased at Rs.1530/- per month and the Assistant Commissioner of Labour took minimum wage applicable to the deceased as per G.O.Ms.No.84 of Labour Employment, Training and Factories (Lab-II) dated 2-2-2000 and fixed the wage and by taking the age of the deceased, calculated compensation and awarded Rs.2,67,008/-. There is no illegality in the award passed by the Assistant Commissioner of Labour and he has not committed any error in appreciating evidence on record.

By considering the oral evidence of A.W.1 and documents Exs.A.1 to A.6, the Commissioner for workmen Compensation awarded Rs.2,67,008/- as compensation. No witnesses are examined and no documents are marked on behalf of Insurance Company rebutting the evidence of claimants.

For these reasons, I am of the view that the appeal is devoid of merits and there are no grounds to interfere with the award passed by the Assistant Commissioner of Labour.

Accordingly, appeal is dismissed. No costs.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI
KUMAR

Dated 5-1-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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