

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

Writ Petition No.30624 of 2016

ORDER:

Notice issued. Learned Government Pleader for Labour (AP), accepted the notice on behalf of the 1st respondent. With the consent of both the counsel, the present writ petition is taken up for disposal.

2. Vide present writ petition, the petitioner seeks a writ of *Certiorari* to quash the proceedings of the 1st respondent passed in R.C.No.B/ 3521/ 2014, dated 10.08.2016.

3. Learned counsel appearing for the petitioner has drawn the attention of this court to the impugned order dated 10.08.2016, whereby the petitioner was directed to deposit an amount of Rs.6,65,160/- towards compensation by way of demand draft in favour of the 'Commissioner for Workmen's Compensation, Visakhapatnam' payable on State Bank of India, Maharnipeta Branch, Visakhapatnam, within 15 days of receipt of the order. The said order was passed by the Commissioner for Employee's Compensation/Joint Commissioner of Labour, Visakhapatnam. It also contains a 'Note' that as per Section 4A(3) of Employees Compensation Act, 1923, if the General Manager, Telecom Department, Visakhapatnam, is in default in paying the compensation due within one month from the date it fell due, the management shall in addition to the amount of arrears, has to pay simple interest thereon @ 12% per annum or at such higher rate not exceeding the maximum of the lending rates of any Scheduled Bank as may be specified by the Central Government by its notification.

4. On perusal of the said order, it is clear that the order was passed without giving any opportunity of hearing to the petitioner. As

stated by the petitioner in the present writ petition, nowhere in the impugned order, it is mentioned that opportunity was granted and after hearing the petitioner, the order was passed. Thus, it is clear that the order was passed without following the principles of natural justice.

5. Moreover, this order is not a reasoned one. Therefore, the impugned order dated 10.08.2016 is hereby set aside. The Commissioner for Employee's Compensation/ Joint Commissioner of Labour, Visakhapatnam, is at liberty to pass a fresh order after giving opportunity of hearing to the petitioner.

6. Accordingly, the writ petition is allowed. No order as to costs. Pending miscellaneous petitions, if any, in this petition, shall stand closed.

Date: 15.09.2016
BSS

SURESH KUMAR KAIT, J



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Date: 15.09.2016

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