

THE HON'BLE SMT. JUSTICE ANIS

C.M.A. No. 3313 OF 2003

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JUDGMENT:

This appeal is filed by the appellant/opposite party under Section 30 of the Workmen's Compensation Act, 1923 (for short 'the Act'), aggrieved by the order dated 20.08.1999, passed by the Commissioner for Workmen's Compensation & Assistant Commissioner of Labour, Cuddapah, in W.C. Case No.104 of 1996.

2. The applicant/respondent No. 2 filed the above W.C. under Section 22 of the Act, claiming half monthly payment of Rs. 3,000/- for the period from 11.6.1996 to 3.10.1996, medical expenses of Rs. 2,000/- and compensation of Rs.54,594.75/- under the Act on account of a fire accident due to burning coal ash took place on 11.6.1996 in the RTPP, Kalamalla, Cuddapah District.

3. The brief averments made in the petition are that the applicant/respondent No. 2 was working as a contract labourer under the employment of Opposite Party No.2 (RTPP Contractor, Kallamala) for loading and

unloading ash. On 11.6.1996 the applicant/respondent No. 2 and other workers were asked by the RTPP Engineer to clear ash waste from the boiler floor and the work of coal mixing was also being done near the accident spot by some other workers. While so, all of a sudden the hot coal mixture fell upon the applicant/respondent No. 2 and other workers and they sustained burns due to the accident. The applicant/respondent No. 2 sustained deep burns of 35% of the body. Hence, she claimed a compensation of Rs. 54,594.75 as lumpsum and Rs. 5000/- towards half-monthly payment and medical expenses for the period from 11.6.1996 to 3.10.1996 from both the opposite parties therein. Opposite Parties 1 & 2 therein filed counter and opposed the claim of the applicant/respondent No.2. After recording the evidence of both sides and after marking the documents, the Commissioner for Workmen's Compensation & Assistant commissioner of Labour, Cuddapah passed the order directing the opposite party Nos. 1 & 2 therein to deposit a sum of Rs. 3030/- jointly and severally before the Commissioner for Workmen's Compensation & Deputy Commissioner of Labour, Kurnool

Region, Kurnool by way of Demand Draft drawn from SBI within 30 days and failing which a simple interest of 6% per annum be levied on the awarded amount from the date of accident to the date of deposit of the amount. Aggrieved by the same, the present Civil Miscellaneous Appeal is filed by the appellant/opposite party.

4. Learned counsel appearing for the appellant/opposite party argued that the Commissioner for Workmen's Compensation has not properly considered the evidence on record and granted meager compensation. He also submits that this Court by order dated 27.10.2003 in CMA No. 1013 of 2000 while dealing with the case of one such similarly situated person, allowed the appeal and remitted the matter to the Commissioner for Workmen's Compensation-cum-Assistant Commissioner of Lablur, Cuddapah. Learned counsel placed a copy of the order before this Court.

5. Learned counsel appearing for the respondent reported no objection for remitting the matter to the Commissioner for Workmen's Compensation and Assistant Commissioner of

Labour, Cuddapah.

6. Heard both sides.

7. In view of the facts and circumstances of the case and by following the judgment of this Court dated 27.10.2003 passed in C.M.A.No. 1013 of 2000, the order dated 20.08.1999 passed in W.C. Case No. 104 of 1996 by the Commissioner for Workmen's Compensation & Assistant Commissioner of Labour, Cuddapah in W.C. Case No. 104 of 1996 is set aside and the matter is remitted to the Commissioner for Workmen's Compensation & Assistant Commissioner of Labour, Cuddapah to pass necessary orders in pursuance of the directions already given by this Court in C.M.A.No. 1013 of 2000.

8. With the above direction, the Civil Miscellaneous Appeal is allowed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

ANIS, J
Date: 28.04.2016
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