

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.240 of 2009

JUDGMENT:

This appeal is preferred questioning order dated 03.08.2006 in W.C.No.34 of 2004 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Ongole (for short, 'lower Authority').

2. Heard both sides.

3. The main argument of the learned counsel for appellant is that the order of the lower Authority is without any proper appreciation of evidence and no reasons are given for granting at compensation of Rs.3,03,542/- and lower Authority has not followed the prescribed procedure in fixing the compensation, therefore, the order of the lower Authority is liable to be set aside.

4. On the other hand, learned counsel for claimant submitted that no doubt the lower Authority has not given any reasons, but that cannot be a ground to refuse compensation, therefore, he prayed that the matter may be remitted back to the lower Authority for fresh consideration.

5. Considering the submissions of both sides, as the lower Authority has not appreciated anything and not given any reasons for granting compensation of

Rs.3,03,542/-, I am of the view that it is a fit case where the impugned order is liable to be set aside and matter has to be remitted back to the lower Authority for fresh consideration.

6. Accordingly, this appeal is allowed and case is remitted back to the lower Authority for fresh consideration.

7. It is submitted that 50% of the amount deposited by the Insurance Company was already withdrawn by claimant and the Insurance Company may be permitted to take back the remaining 50% subject to the result of the final orders in W.C.No.34 of 2004.

8. Considering the submission of learned counsel for appellant, Insurance Company is permitted to withdraw the remaining 50% lying to the credit of W.C.No.34 of 2004 and such permission is granted subject to final result of W.C.No.34 of 2004 and the lower Authority shall dispose of W.C.No.34 of 2004 within a period of six months from the date of receipt of records by giving fair opportunity to both parties.

9. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

9th June 2016.

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