

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3829 of 2015**

1. The Chief Executive Officer Formerly Designated As The Managing Director, Bhilai Steel Plant, Steel Authority Of India Limited, Ispat Bhawan, Bhilainagar, Tehsil & District Durg (Chhattisgarh) 490 001 Civil & Revenue District Durg (Chhattisgarh) Police Station - Police Kotwali, Sector- 6, Bhilainagar, District Durg (Chhattisgarh)
2. The Deputy Manager (Personnel & Coordination) Executive Director Sachivalaya (Personnel & Management) Bhilai Steel Plant Steel Authority Of India Limited Ispatbhawan, Bhilainagar Tehsil And District Durg (Chhattisgarh) 490 001 Civil & Revenue District Durg (Chhattisgarh) Police Station- Police Kotwali, Sector- 6, Bhilainagar, District Durg (Chhattisgarh)

---- Petitioners**Versus**

1. Union of India, through the Secretary, Ministry of Steel & Mines Government of India 192, Udyog Bhawan New Delhi- 110 011
2. Smt. Dileshwari Bai W/o Late J. P. Soni, Aged About 57 Years, House Wife, R/o Qr. No. 28-D, Street No.18, Khursipar, Zone- 2 Tehsil and District Durg (Chhattisgarh)- 490 001 Civil & Revenue District Durg (Chhattisgarh) Police Station- Thana Khursipar, Bhilainagar, District Durg (Chhattisgarh)

---- Respondents

For Petitioners	:	Dr. Saurabh Kumar Pande, Advocate
For Respondent No.2	:	Mr. B.P. Rao, Advocate.

Hon'ble The Chief Justice
Hon'ble Shri Justice Pritinker Diwaker

Order On Board By Hon'ble The Chief Justice

20/03/2017

1. This petition under Article 226/227 of the Constitution of India is against the short order issued by the Central Administrative Tribunal, Madhya Pradesh,

Bench at Jabalpur on the issue as to whether the applicant before the Tribunal was entitled to the benefit of employment facility in accordance with the Life Cover Scheme for Workmen of Bhilai Steel Plant of the Steel Authority of India Limited (SAIL).

2. We have heard learned counsel for the establishment and the learned counsel for the respondent who was applicant before the Tribunal.
3. Verdict of the Tribunal revolves around a particular clause which is shown to have been quoted from the Memorandum of Agreement entered into between the establishment and the recognized trade Union. Going by the impugned order, the said clause is to the effect that if an employee dies during the course of the employment, employment to one of his/her direct dependants will be provided. However, learned counsel for the establishment making reference to Clause- 3.4.5.1 (f) of the Life Cover Scheme points out that the clause that is applicable is not one which is quoted by the Tribunal in the order impugned but it is to the effect that “death or permanent disablement should be due to “**accident**” arising out of and in course of employment.....”.
4. The distinction sought to be established by the learned counsel for the establishment is the absence of word '**accident**' in the clause relied upon by the Tribunal and availability of the term 'accident' in the clause relied upon by the establishment. He further points out that the materials relied upon by the establishment were placed before the Tribunal and arguments were addressed based on that. In this view of the matter, we think that this is an appropriate case where the Tribunal should reconsider the case since critical facts and factors have been left out from the process of adjudication. We come to this conclusion more particularly in view of the

fact that while the learned counsel for the establishment relies upon the decision of the Hon'ble Supreme Court of India in the matter of **Steel Authority of India Ltd. vs. Madhusudan Das & ors** reported in **(2008) 15 SCC 560**, the learned counsel for the second respondent refers to a Bench decision of this Court in W.A. No.131/2010. There would be other different relevant judicial precedents having bearing on different issues that may be relevant. They may also include precedents on the concept and scope of term 'accident' in labour welfare legislations and the sweep of the phrase 'arising out of or in the course of employment', a terminology which is not new to the realm of the Labour Laws.

5. For the aforesaid reasons, without expressing anything finally on the merit, we vacate the impugned order of the Central Administrative Tribunal and direct that the proceedings from which this writ petition arises shall be reconsidered by the Tribunal after affording the parties appropriate opportunity of hearing and in accordance with law.

6. Writ petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Pritinker Diwaker)
Judge

roshan/-