HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.27138 of 2007

ORDER:

Heard Mr. P.Kishore Rao for petitioner, Mr. M.Ravindra for respondent No.1 and Mr.Y.V. Ravi Prasad for respondent No.3.

2. The petitioner prays for *writ of certiorari* to call for records leading upto and inclusive of Memo No.DEE.O.AKP.AD.U.D.NO.1472/07, dated 30.11.2007 and quash the same.

3. In the year 1997, the petitioner was engaged as shift operator on contract basis. Later on, the petitioner was appointed as Junior Lineman again on contract basis on monthly consolidated salary of Rs.3,020/-. The petitioner while working as contract labour, one G.Surya Narayana/3rd respondent met with a fatal accident resulting in permanent disability of all lower limbs. The fatal accident has been subject matter of decision in W.C.No.61 of 2005. The competent authority under the Workmen Compensation Act, 1923, in all, determined of Rs.3,83,145/- with interest @ 9.25% per annum from the date of accident till the date of deposit, as compensation payable by way of demand draft in favour of Commissioner, Workmen Compensation with the

Deputy Commissioner of Labour, Vishakapatnam, within 30 days of receipt of the order dated 05.07.2007.

4. The petitioner challenges the memo on several factual and legal grounds.

5. The learned Standing counsel during the course of hearing placed on record the letter dated 03.10.2017 and Demand Draft bearing No.708703 dated 29.09.2017. The D.D. represents the amount payable to 3rd respondent. Now with the payment undertaken by the 1st respondent, the 3rd respondent would be entitled to apply and receive the amount from 2nd respondent.

6. Mr. Kishore Rao seeks leave of the court to challenge the orders of Commissioner under the Workmen Compensation Act, in accordance with law. The request is not opposed by respondent Nos.1 and 3. Accordingly, the liberty as prayed for is granted.

7. After perusing the order of Commissioner, this Court is of the view that the compensation now deposited by the 1st respondent though satisfies the amount determined by 2nd respondent, the consequences of fatal accident have completely rendered 3rd respondent a para plesic and confined to bed. This Court has directed the Standing counsel to get instructions as to whether some employment in any of the branches or sub-stations under the jurisdiction of 1st

respondent to the family member looking after 3rd respondent can be provided. It is stated that the Court considers making some observation and the 1st respondent would do the needful to the person now looking after the 3rd respondent. The statement of learned Standing counsel is placed on record.

8. The writ petition is disposed of by this order. Liberty as prayed for by Mr.Kishore Rao is considered and accepted to challenge the order in W.C.No.01/2005. The 3rd respondent is given liberty to apply to 1st respondent by giving details of his brother or any person who has accepted the responsibility to look after the 3rd respondent for providing some employment by 1st respondent within eight (08) weeks from today. The 1st respondent considers the totality of circumstances and does the needful including considering said request for appointment on contract basis within a further period of eight (08) weeks. No order as to costs.

9. Miscellaneous petitions, if any, pending, shall stand closed.

S.V.BHATT, J

05.10.2017
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