

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**AND**

**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**W.A.No. 1051 OF 2017**

**DATED 01<sup>ST</sup> AUGUST, 2017**

Between:

Singareni Collieries Company Limited,  
Rep. by its Chairman & Managing Director,  
Kothagudem, Khammam District and another ... Appellants

AND

The Chairman,  
Industrial Tribunal – cum – Labour Court – cum –  
VI Additional District & Sessions Court at Godavarikhani,  
Karimnagar District, and others ... Respondents

Counsel for the appellants : Sri J.Sreenivasa Rao

Counsel for respondent Nos. 1, 3 & 4 : G.P. for Labour (T.S.)

Counsel for respondent No. 2 : Sri B.Sudhakar Reddy

THE COURT MADE THE FOLLOWING

**JUDGMENT:** *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Appeal arises out of order dated 12-09-2016 in W.P.No. 30112 of 2013, whereby a learned single judge of this Court has dismissed the aforementioned Writ Petition filed by the appellants assailing order dated 06-07-2013 in E.P.No. 5 of 2010 on the file of the learned Chairman, Industrial Tribunal – cum – Labour Court – cum – VI Additional District & Sessions Court at Godavarikhani, Karimnagar District (for short, 'the Tribunal').

2. We have heard Sri J.Sreenivasa Rao, learned standing counsel for the appellants, and Sri B.Sudhakar Reddy, learned counsel for respondent No. 2.

3. The husband of respondent No. 2, while working as General Mazdoor in appellant No. 1 company, died. Respondent No. 2 made an abortive attempt to secure employment for a person claiming to be her son-in-law. When the said attempt for compassionate appointment was rejected, respondent No. 2 raised an industrial dispute before the Tribunal. The said industrial dispute was later withdrawn by respondent No.2 with liberty to avail alternative remedy. Accordingly, respondent No. 2 moved the Tribunal under Section 11 (B) of the Industrial Disputes Act, 1947, for enforcing the settlement under which respondent No. 2 is entitled to receive Monthly Monetary Compensation (for short, 'MMC'). This application was resisted by the appellants on the ground that respondent No. 2 having committed fraud by claiming employment to a third person terming him as her son-in-law, she is not entitled to MMC. However, the Tribunal has allowed the E.P. Feeling aggrieved thereby, the appellants herein filed W.P.No. 30112 of 2013 which was dismissed by the learned single judge.

4. The only submission advanced by Sri J.Sreenivasa Rao, learned standing counsel for the appellants, is that respondent No. 2, having committed fraud, has

not approached the Tribunal with clean hands as she falsely claimed a third party as her son-in-law for claiming employment under compassionate scheme, she is not entitled to MMC. Learned standing counsel however fairly conceded that the settlement under which respondent No. 2 claimed compensation did not provide for denial of claim for MMC in such a contingency. The family of respondent No. 2, which belongs to below poverty line category cannot be denied monthly sustenance legitimately due to her on the purported ground of fraud in the absence of any term under the settlement barring claims of such persons.

5. On the analysis of the above, we do not find any merit in the Writ Appeal and the same is accordingly dismissed.

6. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2028 of 2017 shall stand dismissed as infructuous.



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**C.V.NAGARJUNA REDDY, J.**

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**GUDISEVA SHYAM PRASAD, J.**

Date: 01-08-2017.

JSK