

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (L) NO. 213 OF 2018**

- Rembhu Singh, S/o Shri Harivansh Singh, age about 42 years, R/o Village Junadih Colony, Jamgaon, Police Station- Kotra Road, District Raigarh (CG)

... Petitioner**versus**

1. M/s M.S.P. Steel and Power Limited, Village and Post Jamgaon, District- Raigarh (CG)
2. Commissioner, Workmen Compensation, Labour Court, Raigarh, District Raigarh (CG)

... Respondents

For Petitioner

:

Mr. S.P. Kale, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/09/2018**

1. The present writ petition has been filed assailing the order, Annexure P-1, whereby the Commissioner for Workmen's Compensation Act, Labour Court, Raigarh, i.e. respondent no.2, has rejected the application of the petitioner for demand of Rs.50,000/- from the compensation payable to the petitioner which is put in a fixed deposit.
2. Grievance of the petitioner is that in an employment related accident, one of the hands of the petitioner had got amputated and that he needs money for the treatment and other incidental expenses which is required. He submits that the petitioner was initially awarded a compensation of Rs. 4,72,944/- of which Rs. 1,72,944 was initially released to the petitioner and the rest of the Rs.3 Lakh has been invested in fixed deposit for three different period of 5 years, 7 years and 10 years respectively. He submits that of the said investment of Rs.3 Lakh, since the petitioner urgently needs Rs.50,000/- more for his further treatment and other incidental expenses, he had moved an application for releasing of the same, which stands rejected. He therefore prays for the release of the said amount.

3. At this juncture, it would be relevant to peruse the provisions of the Employees Compensation Act. So far as the compensation amount deposited by the employer is concerned, either voluntarily or by an order of the Commissioner, the said amount is an amount payable to the claimants, either legal heirs of the deceased worker or the injured worker himself. The decision of the Commissioner in making the investment of the compensation amount awarded is provided under Rule 10 of the Employees Compensation Rules, 1924. Plain reading of Rule 10 itself would reveal that the said provision of providing the discretion to the Commissioner in respect of the investment is in respect of money payable to the dependants of the deceased, which, in other words, by itself mean that in a case of non-fatal accident, the said sort of investment or discretion may not be there for the Commissioner. Moreover, the substantive provision of the Act, i.e., Section 8(6) of the Employees Compensation Act specifically further enumerates the fact that unless the person to whom the compensation is payable is a woman or a person under legal disability, the person to whom the money is payable is entitled for the same.

4. The power which has been conferred upon the Commissioner to ensure the protection of the amount of compensation deposited by the employer/insurance company is in respect of only the fatal accident cases where the amount should be invested in such a manner that the dependants of the deceased can utilize the money for their betterment for a longer period. The said exercise may not be required when the amount is payable to the injured person himself.

5. The injured person would be in a better position to understand the requirement of the money particularly for his treatment or any other incidental expenses that would be required for his sustenance and also for maintaining his family.

6. Given the facts and circumstances of the case, the impugned order dated 13.4.2018, Annexure P-1, is set aside/quashed and it is ordered that the Court below shall consider the releasing of the petitioner the amount of Rs.50,000/- from the amount lying in fixed deposit and so far as the balance of Rs.2,50,000/- which would be left over is concerned, let the investment be made in a nationalized bank in a manner that the same is deposited for a fixed period and the monthly interest which would accrue on the said amount be credited to the saving account of the petitioner for his personal use.

7. With the aforesaid observation, the writ petition stands allowed and disposed of.

**Sd/-
(P. Sam Koshy)
Judge**