

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.943 OF 2018

Smt. Basamma Durgappa Pujari ... Petitioner

Versus

Office of the Commissioner
(Labour & Employment) & Ors. Respondents

Mr. Shivraj Gaonkar, Advocate for the Petitioner.

Mr. A. Jamadar, Additional Government Advocate for the State.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 29 October 2018.

P.C. :

On 1 October 2018, the following order was passed.

“The Petitioner filed an application under the Workmen's Compensation Act before the Commissioner for Employee's Compensation, Government of Goa for compensation on account of death of her son who was working with the private respondent. The Commissioner by order dated 13 February 2013 directed the private Respondent to pay compensation as specified along with interest. Recovery Certificate was issued on 13 January

2014. It is the grievance of the Petitioner that till date pursuant to the Recovery Certificate the amount is not recovered.

2. Stand over to 29 October 2018.

3. On 8 May 2017 said Mamlatdar has written to the private Respondent. However, according to the Petitioner no action has been taken. Unless the amount is already been recovered and paid to the petitioner, the respondent no.2 - Mamlatdar will ensure that the Recovery Certificate is given effect to by the next date of hearing, failing which the concerned Mamlatdar will remain present in the Court with an explanation as to why the amount could not be so recovered.”

2. The learned Additional Government Advocate places on record a communication issued by the Mamlatdar to the Commissioner of Labour and Employment stating that the amount of Rs.3,60,922/- is recovered from the Respondent No.3-Kharkana towards the compensation. He states that the amount is now deposited with the Respondent No.1- Commissioner of Labour and Employment. The learned Additional Government Advocate states that the Petitioner can collect the amount from the Commissioner. The learned counsel for the Petitioner states that the Petitioner is currently at Bangalore and will make an application within a period of two weeks. After the application is made by the Petitioner, the amount

be disbursed latest within a period of one week from that date.

3. The writ petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.