

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.33832 OF 2015

ORDER:-

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is, therefore, most respectfully prayed that a writ, direction or order in the nature of CERTIORARI calling for records in W.C. No. 1 of 2012 on the file of the Commissioner for Employees compensation Act And the Assistant Commissioner of Labour, Dharmavaram under Workmen Compensation Act and consequently quash the order dated 25.08.2015 passed in WC.No.1 of 2012 and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.” (re-produced verbatim)

2. Heard Sri V.Srikantha Rao, learned counsel for the petitioner, learned Government Pleader for Labour (A.P.) appearing for respondent No.1 and Sri Naresh Byrapaneni, learned Standing Counsel appearing for respondent No.5.

3. Case of the petitioner, in brief, is as follows:

The petitioner is engaged in the business of execution of projects in the field of constructions, earth works, site leveling, reservoirs, roads and buildings, bridges, irrigation works, excavators, mining productions in India etc. In the process of business, the petitioner had purchased one Caterpillar – 2009 Model on 13.10.2009 (rear dumper) and insured the vehicle on the same day with respondent No.5/Insurance Company. On 25.09.2010, the said dumper met with an accident at about 7:30 A.M. at Hillocks near Gavisiddeswara Temple, D.Hirehal

Mandal and one Giridhar Reddy, Operator, and one Venkata Ramana, Helper, died eventually. The legal heirs of the deceased Venkata Ramana have approached respondent No.1 and filed W.C.No.1 of 2012 seeking compensation under Workmen's Compensation Act, 1923. Respondent No.1, after considering the application submitted by the legal heirs of the deceased Venkata Ramana, passed an order on 25.08.2015 in W.C.No.1 of 2012 and directed that an amount of Rs.4,00,320/- should be paid to the legal heirs of the deceased Venkata Ramana and the said amount should be jointly and severally paid by the petitioner herein and respondent No.5. Respondent No.1 has also taken into consideration the fact that an amount of Rs.2,70,000/- was already paid and hence, the said amount was deducted from the total compensation awarded in favour of the legal heirs of the deceased Venkata Ramana. Therefore, an amount of Rs.1,30,320/- was directed to be paid jointly and severally by the petitioner herein and respondent No.5. Challenging the said order, the petitioner/employer filed the present writ petition.

4. When the matter is taken up for hearing, learned Standing Counsel appearing for respondent No.5, on instructions, submitted that respondent No.5 Insurance Company would comply with the orders of respondent No.1 within a period of three weeks from the date of receipt of a copy of this order.

5. Recording the same, the Writ Petition is disposed of directing respondent No.5/Insurance Company to deposit an amount of Rs.1,30,320/- before respondent No.1 within a period of four (4)

weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 18.04.2018
AMD



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