

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22473 of 2002

ORDER:

This Writ Petition is filed seeking a writ of *mandamus* declaring the action of the respondents in not disbursing the amount lying to the credit of W.C.No.168 of 1997 on the file of Commissioner, Workmen's Compensation-cum-Assistant Commissioner of Labour -II Circle, Guntur, to the petitioners and other legal heirs of late S.Venkayamma even after through enquiry regarding legal heirs, as arbitrary and illegal.

2. Heard Sri B.Chinnapa Reddy, learned counsel for the petitioners and learned Government Pleader appearing for the respondents.

3. It has been contended by the 1st petitioner that his brother S.Kondalu @ Yedukondalu (hereinafter referred to 'as deceased'), who is working as driver of lorry bearing No.AP-7T-1404, owned by the opposite party No.1, died in a accident on 28.07.1997; that petitioner No.2 is his mother and they filed the aforesaid W.C.No.168 of 1997 before the Court below and the authorities under the Workmen Compensation has passed orders on 04.12.2000, wherein an amount of Rs.3,18,684/- awarded as compensation to be paid by the owner of the vehicle and the insurance company to the petitioners; that as per the impugned order, the owner of the vehicle and the insurance company have deposited the amount before the 2nd respondent, Commissioner, but the 2nd respondent is not is not disbursed the amount on the ground that petitioner No.2, who died intestate after deposit of

compensation amount. It is further submitted that petitioner No.1 is legal heir of deceased Venkayamma and also the deceased workman, who had lost his life in the accident. Therefore, petitioner No.1 prays that a direction may be given to the 2nd respondent to disburse the compensation amount credited to the said W.C.No.168 of 1997.

4. This Court, having considered the submissions made by the petitioner, is of the view that ends of justice would be met if a direction to given to the 2nd respondent to consider the case of the petitioners for disbursing the compensation amount

5. Accordingly, the Writ Petition is disposed of directing the 2nd respondent to consider the case of the petitioners for disbursing the amount credited to W.C.No.168 of 1997, after verifying the official records whether the 1st petitioner is legal heir of the deceased Venkayamma and the deceased Kondalu, who had lost his life in an accident, and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

OCTOBER 25, 2018
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ABHINAND KUMAR SHAVILI, J

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Date:25.10.2018

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