

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

C.M.A.No.506 OF 2009

JUDGMENT:

The opposite party No.2 – National Insurance Company Limited preferred the present appeal, under Section 30 of the Workmen's Compensation Act, 1923, aggrieved over the order, dated 22.06.2005, passed in W.C.No.17 of 2002 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Karimnagar, granting compensation of Rs.2,89,976/- for the death of one Anjaiah, who is the husband of applicant No.1, father of applicant Nos.2 to 4 and son of applicant Nos.5 and 6.

2. Heard Smt. Jonna Ramani, learned Standing Counsel for the appellant, and Sri Ramchandrarao Vemuganti, learned counsel for respondent Nos.1 to 6.

3. Though, the present appeal was dismissed against respondent No.7 – opposite party No.1 on 13.04.2016, but no application was filed by the appellant to get the same set aside.

4. Twin contentions have been raised by the learned counsel for appellant to set aside the order under challenge. The first is that the deceased was working as supervisor in Ratna constructions company, as per the contents in Exs.A1 to A3, which are the certified copies of F.I.R., Inquest Report and Charge Sheet and, therefore, the Commissioner treating him as an employee of M/s. Maytas Infra

Limited – respondent No.7 is absolutely untenable and hence, there is no employee – employer relationship between the deceased and respondent No.7. The second ground is that respondent No.7 was the insured and the indemnity offered by the appellant – Insurance Company does not extend to the employees of Ratna Constructions Company, even if it is a subsidiary or a sub-contract of respondent No.7.

5. Per contra, learned counsel for respondent Nos.1 to 6 would support the order under challenge contending that what was mentioned in the policy is employees of groups of companies of M/s. Maytas Infra Limited, but not exclusively M/s. Maytas Infra Limited, as such.

6. The order under challenge and the policy are perused.

7. A pertinent observation of the order under challenge would, in fact, cut at the root of the grounds agitated and urged by the learned Standing Counsel for the appellant. At page No.3 of the order under challenge, in the last paragraph, the learned Commissioner, ultimately, observed that, in the cross-examination of opposite party No.1, RW.1 has admitted that the Project Manager of M/s. Maytas Infra Limited addressed a letter, dated 29.11.2001, to the Senior Branch Manager, M/s. National Insurance Company Limited, Hyderabad, requesting to deposit the amount of compensation along with interest in respect of the deceased workman, Anjaiah and also stated that the Maytas

Company Limited have informed the Commissioner for Workmen's Compensation regarding the accident and the Labour Officer, Karimnagar, advised their company to deposit the amount of compensation in respect of death of deceased Anjaiah.

8. The relevant correspondence between M/s.Maytas Infra Limited and the appellant has been referred to in paragraph No.2 of page No.4 of the order under challenge. The insurance policy marked as Ex.R10 was filed by opposite party No.2 i.e., the appellant herein and a perusal of the same would clearly show that it extends to the area of operation. This apart, RW.2, who is an Assistant of National Insurance Company Limited, Divisional Office, Karimnagar, would admit in his cross-examination that the appellant did not take up any investigation regarding the details of accident and employment of the workman and that no enquiry was made with Ratna Constructions Company. In such an event, certainly, it cannot be said that the appellant cannot be saddled with liability and the insurance policy does not cover the risk of the deceased.

9. Thus, there is no question of law involved in the present appeal and, therefore, the present appeal is dismissed.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

June 14, 2018.
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