

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.Nos.4685 of 2004, 679 of 2005, 781 of 2005 & 618 of 2007

COMMON JUDGMENT:-

Since the facts of the cases, the issues involved and the parties to the *lis* in all these appeals are similar, these appeals are being disposed of by this common judgment.

2. C.M.A.Nos.4685 of 2004, 679 of 2005, 781 of 2005 & 618 of 2007 are filed by the appellants-the New India Assurance Company Limited, challenging the orders, all dated 31.03.2004, passed in W.C.Nos.128/2003 (NF), 148/2003 (NF), 129/2003 (NF) and 130/2003 (NF) respectively, by the Commissioner for Workmen's Compensation-cum-Assistant Commissioner of Labour, Nalgonda.

3. Heard the learned Standing Counsel for the appellants-Insurance company and perused the record. Despite listing these matters under the caption "For Orders", there is no representation for the respondents-applicants in these appeals. These are old appeals pertaining to the years 2004, 2005 and 2007. Hence, all these appeals can be disposed of on merits, basing on the material available on record, without waiting for the learned Counsel for the respondents-applicants to advance arguments.

4. The learned Standing Counsel for the appellants-Insurance Company would contend that under the policy of insurance under which the offending lorry bearing registration

No.AP-16-V-979 was insured, there was coverage of risk of only two employees. However, the Tribunal directed the appellants-Insurance Company to deposit the compensation awarded to the applicants at the first instance and then recover the same from the owner of the offending lorry bearing registration No.AP-16-V-979 and ultimately prayed to allow the appeals by setting aside the orders challenged therein.

5. It is not in dispute that the claimants in all these appeals suffered injuries in the subject accident occurred on 21.03.2003, due to rash and negligent driving of the driver of the lorry bearing registration No.AP-16-V-979. There is also no contest with regard to the quantum of compensation granted by the learned Commissioner for Workmen's Compensation-cum-Assistant Commissioner of Labour, Nalgonda. The appellants-Insurance Company is only disputing the direction given to it by the learned Assistant Commissioner of Labour, Nalgonda, to deposit the compensation awarded to the applicants at the first instance and then recover the same from the owner of the offending lorry bearing registration No.AP-16-V-979.

6. There is ample evidence on record to hold that the applicants in these appeals were working on the offending lorry bearing registration No.AP-16-V-979 as on the date of accident. When there is valid insurance policy in respect of the offending lorry bearing registration No.AP-16-V-979 covering the risk of two employees, there is justification on the part of the learned

Assistant Commissioner of Labour, Nalgonda, in directing the appellants-Insurance Company to deposit the compensation awarded to the respondents-claimants at the first instance and then recover the same from the owner of the offending lorry bearing registration No.AP-16-V-979. There is no infirmity in the orders under challenge in these appeals. All these appeals are devoid of merit and are liable to be dismissed.

7. In the result, all the appeals are dismissed confirming the orders impugned in these appeals respectively. No costs.

Pending Miscellaneous petitions, if any, in all these appeals, shall stand closed.

Dr. SHAMEEM AKTHER, J

26th September, 2018
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