

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8441 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the order dated 16.03.2002 passed in W.C.No.14 of 2000 by the Assistant Commissioner of Labour, Srikakulam and quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri B.Parameswara Rao, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for the 1<sup>st</sup> respondent and Sri M.Viswanadham, learned counsel appearing for the 2<sup>nd</sup> respondent.

It is the case of the petitioner that the 2<sup>nd</sup> respondent never worked in the petitioner-rice mill and there is no employee and employer relationship between them. As the 2<sup>nd</sup> respondent-workman had suffered injuries in the accident caused in the premises of the petitioner, she filed W.C.No.14 of 2000 before the Assistant Commissioner of Labour, Srikakulam, who in turn, without appreciating the facts, has erroneously awarded compensation of Rs.49,364-64 ps. Challenging the same, the present writ petition is filed.

While admitting the writ petition on 26.04.2002 in WPMP No.10500 of 2002, this Court granted interim suspension subject to condition of the petitioner depositing entire compensation amount awarded by the 1<sup>st</sup> respondent.

Learned counsel appearing for the petitioner contends that the 2<sup>nd</sup> respondent never worked in the petitioner-rice mill and there is no master and servant relationship between them. He further contends that in pursuance of the order of this Court dated 26.04.2002, the entire amount of compensation was deposited by the petitioner before the authority as required under the Workmen Compensation Act.

Learned counsel appearing for the 2<sup>nd</sup> respondent contends that the authority under the Workmen Compensation Act has rightly passed the award and no interference is called for.

It has been brought to the notice of this Court that the 2<sup>nd</sup> respondent-workman has withdrawn the entire compensation amount awarded in her favour.

Therefore, the cause in the writ petition does not survive for adjudication and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed as infructuous.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*20<sup>th</sup> August, 2018*  
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