

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7053 of 2019

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Sikandar Sah @ Sikandar Prasad Sah @ Sikandar Prasad Sahu an adult male aged about 58 years, Son of late Madan Sahu, R/o Shahajubair, Road, P.S. Munger, Distt. Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Labour Resources Department, Govt. of Bihar
2. The Deputy Commissioner -cum - The Commissioner Workmen Compensation, Munger Division, Begusarai.
3. Bindeshwari Poddar S/o Late Jageshwar Poddar R/o Ramnakabad, P.S.- Haveli Kharagpur, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Singh, Adv.
For the State	:	Mr.Sudish Kumar, AC to PAAG2
For the Pvt. Respondent	:	None

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 26-07-2019

No one appears for the private respondent though he has filed counter affidavit in the mater.

In the present case, the petitioner is challenging the order dated 30.12.2013 passed by the Deputy Labour Commissioner cum Commissioner under the Workmen Compensation Act.

There is no dispute that the private respondent was an employee of the petitioner and he lost his right hand in course of employment and, thereby, he received 90% disability and, for that, the private respondent has filed WC Case No. 10 of 2008. In terms of the provision of the Employee Compensation Act, the authority,



under the Employee Compensation Act, has calculated the compensation amount of Rs. 3,83,738/-.

From the aforesaid order, it appears that the case was adjourned on different dates such as on 23.3.2012, 13.4.2012, 11.5.2012, 29.6.2012. On the aforesaid dates, the petitioner did not appear but, he appeared on 30.12.2013 and made a prayer to allow him time to file objection which was refused and, straightway, the Authority has calculated the aforesaid amount.

Learned counsel for the petitioner submits that the petitioner was also intended to participate in the proceeding, he also appeared and requested for time but, illegally, the prayer for time was rejected, thereby interested to participate in the proceeding.

As the order dated 30.12.2013 has been passed ex-parte, is liable to be set aside. This court directs the petitioner to deposit 25% of the aforesaid compensation amount in the office of the Deputy Labour Commissioner cum Commissioner under the Employee Compensation Act within a period of four weeks from today. On deposit of the same, the amount would be disbursed to the private respondent after taking indemnity bond from the private respondent, in the event of losing the legal battle, he will have to return the money to the petitioner.



With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2019
Transmission Date	

