

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 5 of 2019

Ashok Dhruv S/o Gokul Dhruv Aged About 50 Years R/o
Village Dodki ,tahsil And District Dhamtari Chhattisgarh.,
District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. Devendra S/o Ramchandra Castes Bhawra ,r/o Purwaguda
 ,police Station Kalangpur , District Kalahandi, Odisha ., District
 : Kalahandi, Orissa
2. Rajendra Jaiswal S/o H.L. Jaiswal R/o Gandhi Nagar Ward
 No. Jagdalpur District Bastar Chhattisgarh., District :
 Bastar(Jagdalpur), Chhattisgarh
3. Divisional Manager Shri Ram General Insurance Company
 Limited Bhopal Madhya Pradesh ., District : Bhopal, Madhya
 Pradesh

---- Respondents

For Petitioner	:	Mr. Yogesh Chandra, Advocate
None for the respondent		

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/01/2019

1. The present writ petition has been filed assailing the
order dated 27/11/2018 passed by the Commissioner
for employees compensation, labour Court Dhamtari
in WP Act case No. 08/22/2018(Miscellaneous).
2. Vide the said impugned order learned labour Court
has rejected the application of the petitioner
demanding release of an amount of Rs. 60,000/-
compensation which stands deposited in his name in
fixed deposit.
3. Grievance of the petitioner is that the wife as well as
the son of the petitioner met with an accident on

account of which he was entitled for certain compensation under the provisions of the Employees Compensation Act. The total amount of compensation payable was Rs. 3,50,000 of which an amount of Rs. 1,50,000/- was ordered to be released by cash and an amount of 1,00,000/- was ordered to be deposited in fixed Deposit for a period of one year. The petitioner from the said deposited 1,00,000/- has sought for release of an amount of 60,000/- for repair and maintenance of his dwelling house which is in a dilapidated condition. However, the Court below has rejected the same stating that the petitioner can get an amount released on the F.D. getting mature after one year and no specific details of the manner in which 1,50,000/- have been spent by petitioner which he had received in cash. According to the petitioner there were other needs also which were there in the family and which the petitioner had to meet from the Rs. 1,50,000/- that he has received and the petitioner also spent a part of it for maintenance of his house and he further requires some amount for this, so he has moved an application for release of an amount of Rs. 60,000/-.

4. At this juncture, it would be relevant to refer to paragraph 3 of the judgment passed by this Court in

the case of **Rembhu Singh Vs. M/s M.S.P. Steel & Power Limited and another(WPL No. 213 of 2018)**.

For ready reference, it is reproduced hereinunder:-

At this juncture, it would be relevant to peruse the provisions of the Employees Compensation Act. So far as the compensation amount deposited by the employer is concerned, either voluntarily or by an order of the Commissioner, the said amount is an amount payable to the claimants, either legal heirs of the deceased worker or the injured worker himself. The decision of the Commissioner in making the investment of the compensation amount awarded is provided under Rule 10 of the Employees Compensation Rules, 1924. Plain reading of Rule 10 itself would reveal that the said provision of providing the discretion to the Commissioner in respect of the investment is in respect of money payable to the dependants of the deceased, which, in other words, by itself mean that in a case of non-fatal accident, the said sort of investment or discretion may not be there for the Commissioner. Moreover, the substantive provision of the Act, i.e., Section 8(6) of the Employees Compensation Act specifically further enumerates the fact that unless the person to whom the compensation is payable is a woman or a person under legal disability, the person to whom the money is payable is entitled for the same.

5. Considering the facts that the petitioner has moved an application for construction of his house and for which there is certificate issued by the Sarpanch certified that the house of the petitioner in which he is residing is in a dilapidated condition, this Court is of

the opinion that ends of justice would meet if the said amount is released in favour of the petitioner.

6. The impugned order (P-1) dated 27/11/2018 stands set aside/quashed. It is ordered that Court below shall consider release of an amount of 50,000 to the petitioner from the amount that has lying in fixed deposit and the balance of amount lying in the bank should be fixed for F.D. for further period of one year to be released only thereafter.
7. With the aforesaid observations present writ petition in its present form stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit