

HIGH COURT OF CHHATTISGARH, BILASPUR
WRIT PETITION (L) NO. 113 OF 2019

Santosh Yadav S/o Shri Gangadin Yadav Aged About 45 Years Risda (Baradwar), Post- Baradwar (Muktaraja Police Station-Baradwar District- Janjgir-Champa, Chhattisgarh.

...Petitioner(s)

Versus

1. M/s Mangal Brick Through Employer M/s Mangal Bricks Village-Risda (Baradwar) Tahsil- Champa, District- Janjgir-Champa, Chhattisgarh.
2. Commissioner Employees Compensation Labour Court Janjgir, District- Janjgir-Champa, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri KPS Gandhi, Advocate.
For Respondent No.1	:	Shri P. Acharya, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.05.2019

1. Challenge in this petition is to the order dated 15.03.2019 passed by the Labour Court, Janjgir Champa. Vide the said order, the Labour Court while deciding the compensation case under the provisions of the Employee's Compensation Act filed by the petitioner, vide its award dated 10.01.2019 has awarded compensation of Rs.2,43,414/- with 12 percent interest per annum. Penalty of Rs.1,21,707/- was also awarded.
2. Subsequent to the entire amount being satisfied by the employer, the Labour Court passed the impugned order dated 15.03.2019 releasing an amount of Rs.1,97,252/- to the petitioner by depositing the same in the savings bank account of the petitioner and so far as the balance amount of Rs.2,00,000/- is concerned, the Labour Court has ordered for depositing the same in a fixed deposit for a period of five years. The present writ petition has been filed assailing the said order of

Labour Court to the extent of depositing Rs.2,00,000/- as fixed deposit for a period of five years.

3. According to counsel for the petitioner, the petitioner on account of his medical complications is in dire need of money and therefore the Labour Court ought to have released the entire amount to the petitioner. He further submits that the order of Labour Court is also not sustainable in the light of Section 8(6) of the Employee's Pension Act, 1923, wherein there is no such provision for depositing the entire amount in a fixed deposit in a case where the claimant is an injured male person and is a major.
4. Having heard the contentions put forth on either side and on perusal of records, what clearly reflects is that the Labour Court has taken into consideration the larger interest of justification and have released 50 percent of the amount to the petitioner and have deposited 50 percent of the amount in bank in a fixed deposit for a period of five years. The intention of the Labour Court appears to be of protecting the petitioner who may need these amount at a later stage and receive the same periodically time to time as and when the need so arises.
5. The counsel for the petitioner though submits that the petitioner is in need of money as of now for medical purposes, but along with the writ petition there is no document by which the medical need is established as of now. Moreover, the impugned order was passed only about one months back and the petitioner was released an amount of approximately Two Lakhs. The petitioner as of now should be in a position to use that amount of Two Lakhs and in case if he needs some more money at a later stage, he can move a suitable

application before the Labour Court for further releasing of the amount subject to the satisfaction of the Labour Court.

6. With the aforesaid liberty, the present writ petition in its present form stands disposed of reserving the right of the petitioner to approach the Labour Court at a later stage supported with all relevant records establishing requirement of early foreclosure of the bank deposit and releasing of the money that lies to the credit of the petitioner.

Sd/-
(P. Sam Koshy)
Judge