

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CONT No. 573 of 2019

- Ramnath Thakur S/o Manilal Thakur aged About 68 Years R/o Dhutam, P.O. Jasai, Tehsil Karan, Dist. Raigarh, State - Maharashtra and Partner, M/s Bhairavnath Construction Co. At Dhutam Post-Jasai, Tehsil- Panvel, Dist. Raigarh, State Maharashtra.

---- **Petitioner**

Versus

- Ashutosh Kumar Deputy Chief Engineer, Constructions, Railways, Near PNVL Rly Station, Panvel, Dist- Raigarh, State Maharashtra-410206

---- **Respondent**

For Petitioner : Shri Dilip Kumar Swain, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

26/07/2019

Heard.

2. This petition has been filed alleging willful disobedience of order dated 20.11.2012 passed by the Division Bench of this Court in MAC No. 792 of 2009.

3. Learned counsel for the petitioner would submit that earlier in the matter of liability for payment of compensation to the claimants of the deceased employee, it has been held that once the principal employer has paid the compensation to the claimants, the contractor is not liable to again pay the compensation amount. He would submit that by this order the contractor got completely absolved of his liability and, therefore, now the principal employer cannot issue notice for compensating the amount paid by it as principal employer. According to him, the impugned letter Annexure-C/2 dated 18.01.2019 refers to the order of this Court whereas this Court did not pass any order that

the principal employer would be entitled to recover the amount paid by it from the contractor.

4. Having heard learned counsel for the petitioner, we are not satisfied that present is a case for initiating contempt proceedings against the respondent. The order earlier passed by this Court on 20.11.2012 in MAC No.792/2009 decided the liability qua the claimants. In that case it was neither raised nor decided whether the principal employer having paid the compensation amount could recover that amount from the contractor or not.

5. The respondent has initiated fresh proceedings claiming that they are entitled to recover the amount from the contractor having paid compensation amount as principal employer to the claimants. Mere reference to the order of this Court cannot be construed to mean that the respondent had any intention to disobey or flout the order of this Court.

6. Essentially, its a dispute which requires adjudication of the merits as to whether the petitioner can be required to compensate the principal employer in the matter of payment of compensation to a workman under the provisions of Workman Compensation Act. It will be open for the petitioner to challenge the legality and validity of letter dated 18.01.2019 on its own merits.

7. With the above observations this contempt petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge