

12.07.2021

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F.M.A. 802 of 2012

(Via Video Conference)

National Insurance Co. Ltd.

Vs.

Bishweshwar Hazra & anr.

Mr. Rajesh Singh

...For the Appellant/Insurance Co.

Mr. Amit Ranjan Roy

... For the respondent No.1/claimant

The appeal is directed against the judgment and order dated 24th June, 2011 passed by Learned Commissioner, Workmen's Compensation (2nd Court), West Bengal, in Claim Case No. 412 of 2008. The facts of the case are not in dispute. The claim was filed in connection with an accident dated April 17, 2007 when one 'Monoranjana Hazra' died.

The appeal is preferred by the appellant Insurance Company inter alia primarily on the ground that Insurance Company was not liable at the first instance to bear the compensation payable to the claimant. According to Mr. Singh, learned Counsel appearing on behalf of the appellant/Insurance Company, it is the employer who is liable to pay compensation and such employer is thereafter at liberty to submit an insurance claim for reimbursement by the Insurance Company.

Upon reading the relevant provisions of the Workmen's Compensation Act, 1923, I am of the view that

the compensation found payable to the claimant cannot be directed to be made good by the Insurance Company; the liability is that of the insured employer who should pay and recover from the Insurance Company. However, Mr. Singh has very fairly submitted that in view of a valid insurance policy issued by 'National Insurance' and the claimant being a poor person would otherwise be prejudiced if remand was ordered, it shall pay compensation to the claimant. He further submits that the sum of Rs.1,92,051/- has been deposited with the learned Registrar General of this Court. He submits that the above sum along with interest accrued thereon may be disbursed to the claimant.

Mr. Roy, learned Advocate for the claimant, does not dispute the above contention of Mr. Singh and is further agreeable to accept the amount deposited by the insurer in the High Court.

In the light of the above submissions, the claimant/respondent shall furnish particulars of his Bank account with the Registrar General of this Court as expeditiously as possible within a fortnight from date. Upon deposit of such details, the Registrar General is directed to pay the deposited amount along with accrued interest to the claimant/respondent in accordance with law.

The Registrar General shall check the veracity of the bank account and the identity of the claimant before disbursing the amounts. Such payment must reach the claimant within four weeks from the date of receipt of the Bank details from the claimant/respondent.

With the aforesaid directions, the instant appeal is disposed of. There shall be no further order as to costs.

In view of the disposal of this appeal, connected applications, if any, are also disposed of. The concerned Department is directed to tag the applications, if any, with the main appeal.

The Registry is directed to send down the lower Court records at once, if received by this time.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Shekhar B. Saraf, J.)