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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 38 of 2021**

1. Murlidhar S/o Jhiluram, Aged About 37 Years, R/o Marlenga, Tahsil And District Bastar, Chhattisgarh
2. Falendra S/o Murlidhar, Aged About 20 Years, R/o Marlenga, Tahsil And District Bastar, Chhattisgarh

---- Petitioners**Versus**

1. Arjun Nag S/o Lakhmu Nag, Aged About 37 Years, R/o Village Takraguda, P.S. Badanji, District Bastar, Chhattisgarh
2. Mohammad Imran Quraishi S/o Anwar Ul Haq Kuraishi, Aged About 27 Years, R/o Nayapara Jagdalpur, District Bastar, Chhattisgarh
3. Chola M/s General Insurance Co. Ltd. Raipur, First Floor Simran Tower, In Front Of LIC Building, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioners : Mr. Vikash A. Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30.06.2021**

1. The present writ petition has been filed being aggrieved of the order dated 14.01.2021 passed by the Commissioner under the Employees Compensation Act i.e. the Labour Court, Jagdalpur, District Bastar. Vide the said order the learned Court below has rejected the application of the petitioners for encashment of Fixed Deposit which lies in the name of the petitioners.
2. The brief facts of the case are that on 27.01.2012, in an occupational

accident the wife of petitioner no.1 and the mother of petitioner no.2 died. Under the Employees Compensation Act, petitioner no.1 - husband and 4 children were granted total amount of Rs.3,70,000/- out of which Rs.1,00,000/- was deposited in the name of petitioner no.1, Rs.50,000/- each was deposited in the name of 4 children and Rs.70,000 was permitted to be encashed at the first instance. Subsequently, because of financial stringency the petitioners moved the Labour Court and out of rupees one lakh deposited in the name of petitioner no.1 got released an amount of Rs.50,000/-. Thereafter Rs.50,000 as Fixed Deposit was left in the name of each of the petitioners and 3 other minor children totaling Rs.2,50,000/-. Recently the petitioners moved an application before the Commissioner i.e. the Labour Court seeking for withdrawal of the amount that is lying in their name to meet the expenses that would be incurred in the marriage of petitioner no.2. It is this application which has been rejected vide the impugned order.

3. Counsel for the petitioners submits that in due course of time, the marriage of petitioner no.2 has also been taken place. However, there are certain financial debts which are yet to be cleared by the petitioners and that is why they had moved the application before the Labour Court which stood rejected.
4. Having considered the entire facts and circumstances of the case and also appreciating the fact that the petitioners have produced a document to show that the petitioner no.2 has already got married, in the interest of justice as of now this Court is of the opinion that it would be more appropriate if at least Rs.50,000/- that stands in the name of petitioner no.2 is released to meet the expenses that were incurred in

the course of his marriage.

5. The concerned Labour Court i.e. Labour Court, Jagdalpur therefore is directed to grant permission for encashment of Rs.50,000/- which stands fixed deposited in the name of petitioner no.2 at the earliest.
6. With the aforesaid observation/direction the writ petition stands disposed of.
7. It is made clear that the rest of the amount shall continue to remain under fixed deposit until further orders by the competent authority.

**Sd/-
P. Sam Koshy
Judge**