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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (L) No. 44 of 2021

1. Smt. Dayamani Yadav W/o Late Fagnuram Yadav, Aged About 23 Years, R/o Village- Badlavand, Jodrigudapara, Block- Bakawand, District- Bastar, Chhattisgarh
2. Ku. Olendri Yadav D/o Late Fagnuram Yadav, Aged About 2 Years, Minor Represented Through Natural Guardian Mother Dayamani Yadav, R/o Village- Badlavand, Jodrigudapara, Block- Bakawand, District- Bastar, Chhattisgarh
3. Khagpati Yadav S/o Late Fagnuram Yadav, Aged About 55 Years, R/o Village- Badlavand, Jodrigudapara, Block- Bakawand, District- Bastar, Chhattisgarh
4. Smt. Purni Yadav W/o Khagpati Yadav, Aged About 50 Years, R/o Village- Badlavand, Jodrigudapara, Block- Bakawand, District- Bastar, Chhattisgarh

---- Petitioners

Versus

1. Shobharam Sethiya S/o Jankiram Sethiya, Aged About 45 Years, R/o Village- Badlavand, Jodrigudapara, Block- Bakawand, District- Bastar, Chhattisgarh
2. The Branch Manager, The United Indian Insurance Co. Ltd., In Front Of Anupama Talkies, Jagdalpur, District- Bastar, Chhattisgarh

---- Respondents

For Petitioners : Mr. Vikash A. Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16.07.2021

1. Being aggrieved by the order of the Commissioner for Employees Compensation i.e. the Labour Court, Jagdalpur passed in Misc. Case No. 37/2019 on 30.08.2019, the present writ petition has been filed. Vide the said order, the Labour Court has rejected the application of the petitioners for premature withdrawal of the fixed deposit made in the accounts of the petitioners as compensation amount.

2. The facts of the case are that the husband of petitioner no.1 and father of petitioner no.2 namely Fagnuram Yadav who also is the son of petitioners 3 & 4 working under respondent no.1 met with an accidental death on 02.06.2016. The Court for Employees Compensation under the provisions of the Employees Compensation Act awarded compensation of Rs.5,89,344/- to the petitioners. In the course of distribution of compensation, learned Labour Court at the first instance released an amount of Rs.58,504/- to petitioner no.1 and Rs.15,000/- each to the petitioners 3 & 4 from the total compensation awarded. The balance amount of compensation payable to each of the petitioners were ordered to be deposited by way of Fixed Deposit in the bank so that the larger interest of the petitioners could be protected. In the course, Rs.1,00,000/- was ordered to be deposited in Fixed Deposit in the name of petitioner no.2 till she attains the age of majority. Likewise, Rs.25,000/- each was ordered to be deposited in Fixed Deposit for a period of 2 years and 4 years in favour of petitioners 3 & 4 respectively. The remaining amount was ordered to be deposited for different period of time in Fixed Deposits in the name of petitioner no.1 which has been shown in a chart reflected hereinunder:

Amount	**Period**
1,00,000	12 Years
50,000	10 Years
50,000	8 Years
50,000	6 Years
50,000	4 Years
50,000	2 Years

3. It is this amount which stood fixed deposited in the name of petitioners which they sought for premature encashment and which was rejected vide impugned order dated 30.08.2019 against which the present writ petition has been preferred.

4. According to the petitioners, the application for premature releasing of the amount was firstly to meet the medical expenses to be incurred upon petitioners 3 & 4 and also for repairing of the residential house which has in the meanwhile got badly damaged and which requires urgent repairing. Counsel for the petitioners submits that at least two lakhs may be ordered to be released to the petitioners so that they can meet the aforesaid expenses at the earliest.

5. It is also noteworthy when the petitioner submits that the amount so deposited as of now is required because of the severe financial crisis that the family faces on account of unemployment and other difficulties that the petitioners are facing because of the impact of COVID-19 pandemic.

6. Perusal of the dates mentioned and the amount which has been ordered to be fixed deposited this Court finds that Rs.50,000/- in the name of petitioner no.1 and Rs.25,000/- in the name of petitioner no.3 which were initially invested for a period of two years have reached its date of maturity and the petitioners as such would be getting an amount of Rs.75,000/- with interest that has been accrued on that amount.

7. Undisputedly, petitioner no.4 is the wife of petitioner no.3 who are father and mother of the deceased and both of them are more than 50 years of age. Thus, they are quite aware of their priorities and urgency. Therefore, as of now, the amount which stands deposited in the name of petitioner no.4 in order to meet the aforesaid expenses narrated in the preceding paragraphs can also be ordered to be released.

8. As regards the amount which is lying in the name of petitioner no.1, taking into consideration the overall facts and circumstances of the case and also appreciating the genuine difficulties that the petitioners are facing during this pandemic season and also for other domestic requirements, in the larger interest of justice it could be appropriated at this juncture if an amount of Rs.50,000/- is also ordered to be released to petitioner no.1.

9. Accordingly, it is directed that an amount of Rs.50,000/- which has been invested in the name of petitioner no.1 for a period of 10 years be now permitted to be prematurely withdrawn. Likewise, an amount of Rs.25,000/- invested in the name of petitioner no.4 for a period of 4 years also be permitted to be prematurely withdrawn.

10. Let the petitioners approach the concerned Labour Court in this regard and move an appropriate application and the Labour Court in turn shall take necessary steps in permitting petitioner no.1 as also petitioner no.4 to prematurely encash Rs.50,000/- & Rs.25,000/- deposited in their names for a period of 10 years and 4 years respectively. So far as the remaining amount is concerned, the same would continue to be invested as directed by the learned Labour Court at the first instance.

11. With the aforesaid observation the writ petition stands allowed and disposed of.

Sd/-
P. Sam Koshy
Judge

Khatai