

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 531/2018, CM APPL. 47669/2018**

Date of Decision 02/11/2022

IN THE MATTER OF:

RANJIT SINGH

..... Appellant

Through: Mr. R.K. Nain, Advocate.

Versus

M/S IFFCO TOKIO GENERAL INS CO LTD & ANR Respondents

Through: Mr. Rohin Pandey and Mr. Sameer
Nandwani, Advocates for respondent
No.1.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

MANOJ KUMAR OHRI, J. (ORAL)

1. By way of the present appeal filed under Section 30 of the Employees' Compensation Act, 1923 (hereinafter, referred to as the 'Act'), the appellant/claimant has assailed the order dated 15.09.2017 passed by the learned Commissioner, Employees' Compensation, District West, Karampura, Delhi in Case No. CEC/WD/I/148/16 titled as Sh. Ranjit Singh v. Silender Singh & Anr.

2. The appellant had initially filed a claim petition under Section 22 of the Act before the learned Commissioner, District North-West, Nimri Colony, Ashok Vihar, Delhi on 06.12.2016. In the petition, it was claimed

that *Sh. Ranjeet* was employed as a driver on vehicle bearing No. DL-1L-P-5057 at a salary of Rs.8,000/- per month plus Rs.200/- per day as food allowance. The said vehicle was stated to be owned by Respondent no.2.

On 05.04.2016, *Sh. Ranjit* met with an accident while bringing goods from Kanpur to Bahadurgarh. He successfully got his vehicle unloaded at Bahadurgarh and reached the transport centre, Ram Garh, Delhi. There was stated to be a defect in the engine of the vehicle and a mechanic was called to get the same in order. However, the mechanic was engaged in his work of repair and the cabin was staged upward, at the same time, the cabin was not working and fell down on the right hand of the Appellant, leaving him grievously injured. It was stated that at the time of accident, the vehicle was insured with respondent No. 1, M/s IFFCO TOKIO General Insurance Company Ltd. and an additional premium was charged by respondent no.1 from respondent No.2 under the Act. It was further claimed that *Sh. Ranjit Kumar* was an employee of Respondent no.2 and was injured during the course of employment. It is further averred that the appellant suffered from 100 % disability after the accident.

3. A perusal of the case records would show that the appellant's first compensation application filed before the Commissioner, Employees' Compensation, Distt. North-West, Nimri Colony, Ashok Vihar, Delhi was permitted to be withdrawn on account of an application filed on his behalf in this regard. In the withdrawal application, it was averred by the appellant that the claim petition is being withdrawn on account of technical reasons as also his inconvenience and prayed to file a fresh claim petition. This Court is constrained to note that though the Commissioner permitted the claimant to withdraw the claim application but did not grant the liberty to file a fresh

claim petition. The Commissioner did not assign any reason for non-grant of the liberty though the same was prayed for in the withdrawal application.

8. The appellant's second claim application was filed before the Commissioner, Employees' Compensation, West District, Karampura, New Delhi on 29.03.2017 and the same came to be dismissed on a short ground by way of a cryptic order holding that at the time of earlier withdrawal, no *liberty* was granted.

This Court is constrained to note that dismissal of the claim petitions in this manner has resulted into grave prejudice against the claimants.

9. Time and again, the Supreme Court has taken the view that reasons form the heart and soul of every order/pronouncement, and as such, the importance of citing reasons in an order cannot be gainsaid. To elucidate, in Secretary and Curator, Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity and Others reported as (2010) 3 SCC 732, it was opined as follows:-

“40. It is a settled legal proposition that not only administrative but also a judicial order must be supported by reasons, recorded in it. Thus, while deciding an issue, the court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the court to record reasons while disposing of the case. The hallmark of an order and exercise of judicial power by a judicial forum is to disclose its reasons by itself and giving of reasons has always been insisted upon as one of the fundamentals of sound administration of justice-delivery system, to make known that there had been proper and due application of mind to the issue before the court and also as an essential requisite of the principles of natural justice. “The giving of reasons for a decision is an essential attribute of judicial and judicious disposal of a matter before courts, and which is the only indication to know about the manner and quality of

exercise undertaken, as also the fact that the court concerned had really applied its mind. " (Vide State of Orissa v. Dhaniram Luhar and State of Rajasthan v. Sohan Lal)

41. Reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same, it becomes lifeless. Reasons substitute subjectivity by objectivity. Absence of reasons renders the order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum. (Vide Raj Kishore Jha v. State of Bihar, SCC p. 527, para 19; Vishnu Dev Sharma v. State of U.P., SAIL v. STO, State of Uttarakhand v. Sunil Kumar Singh Negi; U.P. SRTC v. Jagdish Prasad Gupta, Ram Phal v. State of Haryana, Mohd. Yusuf v. Faij Mohammad and State of H.P. v. Sada Ram.)

42. Thus, it is evident that the recording of reasons is principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision making. The person who is adversely affected may know, as to why his application has been rejected."

10. Besides, labour statutes, such as the Act, constitute 'beneficial legislation', enacted for the welfare of employees/workmen [Refer: New India Assurance Co. Ltd. v. Puran Lal and Others reported as **2021 SCC OnLine Del 3483**]. In this regard, a Co-ordinate Bench of this Court in Shri. Krishan v. Jasoda Devi and Ors. reported as **2017 SCC OnLine Del 11137** has opined thus:-

"43.1. The Employees' Compensation Act, 1923 is a piece of social beneficial legislation and its provisions have to be interpreted in a manner so as not to deprive the employees of the benefit of the legislation.

43.2. The object for enacting the Employees' Compensation Act

even as early as 1923 was to ameliorate the hardship of economically poor employees who were exposed to risks in work, or occupational hazards by providing a cheaper and quicker machinery for compensating them with pecuniary benefits.”

11. Notably, facts of the present case are squarely covered by the decision of a Co-ordinate Bench of this Court in Upender Tiwari v. M/s National Insurance Co Ltd. & Anr., **FAO 345/2018**, wherein while setting aside the impugned order and reviving the compensation application, it was held as under:-

“...It is noted that in the proceedings arising out of the case of Abdhesh Sharma (supra), an explanation had been called for as to why a cryptic and non-speaking order had been passed, it not indicating as to what was the “liberty” that had been sought or as to why it had been not granted. A counsel had appeared before this court in the case of Abdhesh Sharma (supra) on behalf of the Commissioner, Employees’ Compensation and, on her request the said matter was remitted for fresh order to be passed, it having been assured on behalf of the Commissioner, Employees’ Compensation that the fresh order would indicate the reasons and not be a non-speaking order.”

11. In view of the foregoing decisions, this Court deems it apposite to allow the present appeal. Accordingly, the impugned order dated 15.09.2017 is set aside and the second claim petition of the appellants is revived.

12. Let the second claim petition of the appellants be listed before the concerned Commissioner, Employees’ Compensation on 14.11.2022 to be decided in accordance with law.

13. With the aforesaid observations, the appeal is disposed of along with the pending application.

14. The Registry shall communicate a copy of this order to the concerned Commissioner, Employees' Compensation.

(MANOJ KUMAR OHRI)
JUDGE

NOVEMBER 2, 2022.

na