

THE HON'BLE SRI JUSTICE M.LAXMAN

CIVIL MISCELLANEOUS APPEAL No.950 of 2007

JUDGMENT:

1. The present Civil Miscellaneous Appeal has been directed against the Order dated 02.04.2007 in W.C.No.75 of 2005 on the file of the learned Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-I, RTC Cross Roads, at Hyderabad.

2. The main grievance of the appellant-New Indian Assurance Company Limited is that the deceased workman was employed by the opposite party No.1 as driver on his lorry tanker bearing No.AP 11V 6838. He was not holding any special driving licence for driving heavy vehicles which carry goods of dangerous or hazardous nature and he was possessing driving licence to drive MCGV, HGV and MMV only. Therefore, the insurance company is not liable to pay compensation.

3. The facts of the case on hand show that, as part of his duties as a driver, the deceased went to the top of the vehicle for tightening the lids over the vehicle and he accidentally slipped and fell on the ground. He sustained head injury and died on the spot in the accident.

4. Learned counsel appearing for the Insurance Company contended that as per Section 10(2)(j) of the Motor Vehicles Act, 1988 (for short, “the Act”), a person who drives a motor vehicle of a specified description shall invariably hold a learner’s licence or a driving licence for such specified vehicle. According to him, a lorry-tanker is a vehicle of specified description and it requires a special licence to drive the vehicle. Learned counsel also relied on Section 14 of the Act. The said provision is extracted as hereunder:-

“Section 14. Currency of licences to drive motor vehicles:

(1) A learner’s licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.

(2) A driving licence issued or renewed under this Act shall,

(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years:

[Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and;]

(b) in the case of any other licence,— (i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of [fifty years] on the date of issue or, as the case may be, renewal thereof,—

(A) be effective for a period of twenty years from the date of such issue or renewal; or

(B) until the date on which such person attains the age of [fifty years], whichever is earlier;

[(ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or as the case may be, renewal thereof, be

effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal:]

Provided that every driving licence shall, notwithstanding its expiry under this sub-section, continue to be effective for a period of thirty days from such expiry”.

5. A perusal of the above provision shows that a larger time is prescribed for the validity and renewal of licence for a person, who drives normal transport vehicle and for a person driving a transport vehicle carrying goods of dangerous or hazardous nature, the validity period for renewal, is shorter than the period prescribed for renewal of licence of a transport vehicle.

6. No provision is brought to the notice of this Court which would show that a person holding licence for driving a transport vehicle is not authorized to drive a vehicle of specified description. Possessing licence to drive the normal vehicle or a vehicle of specified description itself is not a criterion, but it is the goods which are being carried on the vehicle distinguishes the nature of licence.

7. In the present case, at the time of the accident the subject vehicle was stationed. The evidence is silent with regard to the point whether the vehicle at the relevant point of time was carrying any goods of dangerous or hazardous nature. Without such evidence, the findings of the Commissioner requires no

interference. Hence, I do not find any substantial question of law involved in the Appeal and the same is liable to be dismissed.

8. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs.

Miscellaneous Petitions, pending if any, shall stand closed.

JUSTICE M.LAXMAN

18.01.2023
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Dated: 18.01.2023

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