

THE HON'BLE SRI JUSTICE M.LAXMAN
CIVIL MISCELLANEOUS APPEAL No.846 of 2007

JUDGMENT:

1. The present Civil Miscellaneous Appeal has been directed against the Order dated 27.01.2007 in W.C.No.34 of 2006 on the file of the learned Commissioner for Workman's Compensation and Assistant Commissioner of Labour, Karimnagar wherein and whereby compensation of Rs.3,38,880/- was granted along with interest and costs. Aggrieved by the same, the appellant herein, who was the opposite party before the Commissioner, preferred the Appeal.

2. Heard.

3. The main grievance of the appellant was that the deceased employee opted the fundamental rules framed by the State and as such, he is not entitled to claim compensation under the Workmen's Compensation Act, 1923 (for short, "the Act"). It is stated that the employee is governed by service rules and death benefits under the said rules were already granted to him. Hence, prayed to dismiss the Appeal.

4. This Court by Order dated 13.09.2007 in C.M.A.No.547 of 2007 adverted to the said contention holding that there is no bar

to claim compensation under the Act even though the employee is governed by the fundamental rules of service framed by the State. Therefore, this Appeal is devoid of merits and liable to be dismissed.

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

Miscellaneous Petitions, pending if any, shall stand closed.

JUSTICE M.LAXMAN

05.01.2022
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Dated: 05.01.2023

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