

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

OWP No. 1848/2018
IA No. 1/2018
CM No. 3098/2022

M/s Cube Construction Engineering Ltd
Vadodara Gujrat through its
Authorized signatory Thakur Ashwani Singh,
age 61 years S/o Thakur Nasib Singh, 61-D D/C
Gandhi Nagar, Jammu.

....Petitioner/Appellant(s)

Through :- Ms. Yashodhan Thakur, Advocate.

V/s

1. Shoket Ali S/o Abdul Latif Butt,
R/o Chhiltern Doda.

2. Executive Engineer PMGSY
Division, Doda.

....Respondent(s)

3. Satvir Gupta Fabricators 22/23
Gurha Bakshi Nagar, Jammu.

4. Assistant Labour Commissioner,
Doda.

...Proforma respondents

Through :- Ms. Pallavi Sharma, Advocate vice
Mr. Ravinder Gupta, AAG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

15.04.2024

- Respondent No. 1-Shoket Ali came to petition the Commissioner, Employees Compensation (Assistant Labour Commissioner), Doda (in short, '**ALC Doda**') invoking Employees' Compensation Act, 1923 for seeking compensation for the bodily injuries related disability received by him in the course of his employment with respondent No. 3-Satvir Gupta Fabricators, 22/23 Gurha Bakshi Nagar, Jammu.

2. In his petition so presented on 15.12.2015, the respondent No. 1-Shoket Ali named Executive Engineer, PMGSY Division, Doda and Satvir Gupta Fabricators as party respondents for seeking compensation. The compensation has been claimed with respect to an alleged incident of the year 2009.
3. The ALC Doda came to take cognizance of the matter by putting the respondents therein as named in the petition on notice.
4. The respondent No. 2 in the said petition, who is respondent no. 3 in the present petition, came to submit an application seeking impleadment of the petitioner herein as a co-respondent.
5. The application dated 16.03.2017 is a one page application which bears an assertion that it is the petitioner i.e., M/s Cube Construction Engineering Ltd., which was allotted the work for the construction of Road from Chali to Dhandhal and that the respondent No. 2 (respondent No. 3 herein) was engaged by the petitioner for carrying out the construction work and as such it is the petitioner who is the principal employer of the respondent no. 1.
6. The application so filed by the respondent No. 2 (respondent No. 3 herein) came to be allowed by the ALC Doda vide an order dated 16.03.2017 aggrieved whereof the petitioner came to submit an application dated 03.03.2021 to the ALC Doda for seeking deletion of its name from the array of the parties

which application came to be dismissed vide an order dated 25.03.2022.

7. The passing of this order dated 25.03.2022 has taken place during the pendency of the present petition as the petitioner came to question the order of impleadment through the medium of a petition preferred under section 103 of the Constitution of Jammu and Kashmir.
8. The said petition was filed on 16.03.2017 when it is the State of Jammu and Kashmir which was in existence.
9. Whether Section 103 of the Constitution of Jammu and Kashmir could have been invoked by the petitioner is a matter of no guess as under Section 103 of the Constitution of India supervisory jurisdiction was not available to this court qua the quasi judicial tribunals but only with regard to the regular civil/criminal courts of law.
10. Nevertheless the fact remains that the order dated 16.03.2017 read with order dated 25.03.2022 passed by the ALC Doda qua the petitioner herein are without any reasons and in fact that the first order dated 16.03.2017 is even against the rules of natural justice as the petitioner was impleaded without first being put to notice to oppose the application of the respondent No. 2 (respondent No. 3 herein).
11. In view of the aforesaid, this Court sets aside both the orders dated 16.03.2017 read with order dated 25.03.2022 passed by ALC Doda with a direction for hearing the petitioner on merits qua the application filed by the respondent No. 2

(respondent No. 3 herein) and then pass an order bearing reasons as to why the petitioner is to be impleaded not at the instance of the injured claimant/workman i.e., respondent No. 1, but by the respondent No. 2 (respondent No. 3 herein), namely, Satvir Gupta Fabricators.

12. Needful be done by ALC Doda within a period of one month from the date of receipt of copy of this order. Registrar Judicial, Jammu to forward a copy of this order to ALC Doda for notice and compliance.

13. Disposed of as above along with connected application(s), if any.

(RAHUL BHARTI)
JUDGE

JAMMU
15.04.2024
Naresh/Secy

