

In Re: Kalka Prasad

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Court : Allahabad

Decided On : Jul-24-1929

Reported in : AIR1929All707; 118Ind.Cas.719

Appellant : In Re: Kalka Prasad

Judgement :

1. This is a reference from the District Magistrate of Benares who has been appointed Commissioner under the Workmen's Compensation Act (Act 8 of 1923). It appears that one Kalka Prasad who was employed by the Benares Electric Light and Power Company was unfortunately injured in the course of his employment and died in consequence. The company have deposited a sum equal to thirty month's wages as compensation. It is an admitted fact that the deceased has left no one who was his dependent. A dependent is defined in Section 2(d) as meaning any of the near relations mentioned therein. It is not disputed that the deceased has left no such near relation. He was, however, being supported by Mr. Hanuman Prasad Varma, the present District Judge of Ghazipur and was related to him as a first cousin, but the deceased of course was not in any way supporting Mr. Varma. The learned District Magistrate considers that the money should be paid to him. We do not agree with his view.

2. Section 8 makes it quite clear that compensation is payable only to the dependents of the deceased. Sub-Clause 4 of that section makes it still more clear that if the Commissioner is satisfied after enquiry which he may deem necessary that no dependant exists he shall repay the balance of the money to the employer

by whom he was paid. It follows, therefore, that if no near relation who is mentioned in Section 2(d) exists the money cannot be paid to a more distant relation even though he be his next of kin. The amount has got to be refunded to the employer.

3. This is our answer to the reference. Let the papers be returned.

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