

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Vee Ess Enterprises Vs. Central Coal Fields Ltd. and ors.

Vee Ess Enterprises Vs. Central Coal Fields Ltd. and ors.

SooperKanoon Citation : sooperkanoon.com/516664

Court : Jharkhand

Decided On : Mar-24-2004

Reported in : [2004(2)JCR518(Jhr)]

Judge : Amareshwar Sahay, J.

Acts : Service Law; Workmen's Compensation Act, 1923; [Constitution of India](#) - Article 226

Appeal No. : WP(C) No. 1723 of 2002

Appellant : Vee Ess Enterprises

Respondent : Central Coal Fields Ltd. and ors.

Advocate for Def. : K.K. Srivastava, Adv.

Advocate for Pet/Ap. : V. Shivanath and; M.K. Dey, Adv.

Disposition : Application allowed

Judgement :

ORDER

Amareshwar Sahay, J.

1. Heard the parties.

2. The petitioner in this writ application has challenged the order as contained in Annexure-3 to the writ application dated 22.1.2002 whereby the Project Officer, Parej East, O/C Project, P.O. Ghatotand, District-Hazaribagh has deducted Rs. 2,11,790/- (Rs. Two lakhs eleven thousand seven hundred and ninety) from the 2nd running bill of the petitioner by way of compensation under the Workmen's Compensation Act on account of death of one Talo Manjhi who was said to be employee of the petitioner employed as guard.

3. Mr. V. Shivnath, learned counsel appearing for the petitioner submits that the Project Officer of the Central Coalfields Limited had no authority or jurisdiction to determine the amount of compensation under the Workmen's Compensation Act and to deduct the said amount from the running bill of the petitioner. It is submitted that only the Commissioner under the Workmen's Compensation Act has the jurisdiction to decide as to whether the petitioner was liable to pay any amount by way of compensation. But in the present case the Project Officer without any authority under the law has illegally and arbitrarily issued Annexure-3 and deducted the aforesaid amount of Rs. 2,11,790/- by way of compensation.

4. Mr. K.K. Srivastava, learned counsel appearing for the respondents on the basis of the counter affidavit filed, has submitted that though the Project Officer has no jurisdiction to determine the amount of compensation under the Workmen's Compensation Act but since the respondents were the principal employer and because of the fact that the petitioner was avoiding his legal and moral responsibilities and therefore the said amount has been deducted from the running bill of the petitioner.

5. In my view the issuance of Annexure-3 by the Project Officer determining the compensation under the Workmen's Compensations Act and thereby asking the Assistant Labour Commissioner of its disbursement to the family of the deceased Late Talo Manjhi as stated in paragraphs 5 and 6 of the counter affidavit, is absolutely without jurisdiction. The respondent No. 2 the Project Officer was not authorized under the law to determine the amount of the compensation under the Workmen's Compensation Act. Accordingly, this application is allowed. The order as contained in Annexure-3 dated 22.1.2002 passed by the Project Officer, Parej

East, O/C Project, Hazaribagh, is hereby quashed and the respondents are directed to refund the amount, so deducted to the petitioner forthwith after receipt/production of a copy of this order.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com