

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 908 of 1987

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals?

JAIPRAKASH ASSOCIATES PVT. LTD.

Versus

WORKMEN'S COMPENSATION COMMI. & CIVIL JUDGE

Appearance:

NOTICE SERVED for the Petitioner.
Mr.Sood, Assistant GOVERNMENT PLEADER,
for Respondent Nos. 1-2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 29/11/2003

ORAL JUDGEMENT

1. This petition is pending before this Court since
more than 16 years.

2. The present petitioner-Company had sent an application dated November 3, 1985, wherein it is stated that the workman, viz., Julias, met with an accident on 28.10.1985, which resulted in the death of the said employee. The application of the Company was, ultimately, treated as an application under the Workman's Compensation Act.

3. While examining the aforesaid application, the Authority under the Workmen's Compensation Act, i.e. Civil Judge (Senior Division), Bharuch, came to the conclusion that the Registered Office of the Company is located at Lucknow, and it is having various Branches in the country. It is found that the dependants of the said employee are residing at Bihar and it is situated at a very distant place, from which they have to travel upto Bharuch to attend the proceedings.

Considering the facts and circumstances of the case, the learned Judge, while exercising powers under Section 21(2) of the Workmen's Compensation Act, directed that the documents and the relevant case papers and record in connection with the application be transferred to the Commissioner for Workmen's Compensation at Zaldegah, District : Ranchi, State of Bihar. It is the aforesaid order which is impugned at the instance of the petitioner-Company in this petition.

4. At the time of admitting the petition in the year 1987, this Court had also stayed the said order. It seems that the Advocate of the petitioner-Company, who had filed this petition, had, subsequently, become a Judge of this Court and, thereafter, notice was sent to the petitioner-Company. The petitioner has not engaged another Advocate.

5. Today, I have heard Mr.Sood, learned AGP, who is appearing for the Commissioner for Workmen's Compensation. I have also perused the order of the trial court. Considering the reasoning of the trial court, no interference of this Court is called for in a petition filed under Article 227 of the Constitution of India. It has been found by the learned trial Judge that the dependants, who are staying at Bihar, will find it very difficult and it will be very expensive, if they are compelled to travel upto Bharuch from a very distant place. Under Section 21(2) of the Workmen's Compensation Act, the Court has power to transfer such cases to an appropriate place. The decision of the trial court, in my view, is not required to be interfered with at the hands of this Court. Considering the fact that the

petition is such an old one, now it is required to be decided ex parte even though the petitioner has not chosen to appear by engaging an Advocate subsequently.

6. The petition is accordingly dismissed. Rule is discharged. Interim relief is vacated. No costs.

29th November, 2003 (P.B. Majmudar, J.)

(apj)