

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

Monday, the Twenty Eighth day of two thousand and five

PRESENT

The Honourable Sri Justice V.Eswaraiah

WRIT PETITION No. 8796 OF 1999

BETWEEN:

1. Smt.K.R.Aruna W/o late Kannan, aged 26 years, Occ: Unemployeed,R/o Filmnagar, Road No.9, Ambedkarnagar, Jubilee Hills, Hyderabad (died, as per L.Rs.petitioners 2 and 3).
2. P.V.Karunakar S/o Bhujanga Rao, 34 years, Occ: Unemployeed.
3. P.V.Kamalakara Rao, S/o Bhujanga Rao, 30 years, Occ: Unemployeed, R/o Hyderabad.

(Petitioners 2 and 3 are brought on record as L.Rs.of the deceased 1st petitioner as per Court order in W.P.M.P.No.12827/2002, dated 15-7-2002)

...Petitioners

And

1. The Government of Andhra Pradesh, rep.by its Dy.Commissioner of Labour Hyderabad Twin Cities, Anjaiah Bhavan, Hyderabad.
2. G.Narsaiah Babu @ Narsimha Rao S/o Hanumanthrao, aged Major, Occ: Veera Hanuman T.V.Serial Producer, C/o Ms.Padmalaya Studios Pvt.Ltd., Road No.78, Filmnagar, Hyderabad.
3. Secretary to the Government of Andhra Pradesh, Labour Department, Hyderabad.

(Respondent No.3 is impleaded as per Court order in W.P.No.8796/99 dt.2-9-2002).

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction particularly one in the nature of writ of Mandamus, directing the first respondent to initiate proper steps particularly recovery steps in pursuance of the application dated 27-10-1998 for recovery of compensation of Rs.1,99,660-80 Ps., with penalty of 50% and with interest @ 18% per annum in pursuance of Award dated 10-12-1997 passed in W.C.No.130/1997 and confirmed by order dated 18-7-1998 by the first respondent against the 2nd respondent in the interest of justice.

For the Petitioner: Mr.P.Sridhar Rao, Advocate.

For the Respondents 1 and 3: G.P.for Labour Employment.

For the Respondent No.2 : Mr.M.L.Narasimham.

The Court made the following :

ORDER:

Heard all the counsel appearing for the parties to the writ petition.

The writ petition was originally filed by Smt.K.R.Aruna, but during the pendency of the writ petition, she died and her legal representatives were brought on record. The grievance of the petitioner is that the first respondent having passed an order in W.C.No.130 of 1997, dated 10-12-1997, awarding compensation amount of Rs.1,99,660-80 Ps., under the provisions of the Workmen Compensation Act, directing the second respondent herein to deposit the said amount by way of Demand Draft within 15 days, failed to implement the said order on the ground that the second respondent herein filed certain Interlocutory Applications (IAs.), which were also dismissed and subsequently, in I.A.No.1 of 1998, a notice was issued to implead D.Sithamma.

It is the case of the petitioner that having allowed the case filed by the petitioner, under workmen compensation Act and having dismissed the subsequent I.As., filed by the second respondent, there is no any justification on the part of the first respondent in not implementing the said order and therefore, he constrained to file this writ petition to

issue a direction to the first respondent for taking necessary steps for recovery of the amount pursuant to the Award dated 10-12-1997 made in W.C.No.130 of 1997.

It is stated that number of applications have been filed by the petitioner before the Commissioner of Workmen Compensation, but no action has been taken. To resolve the controversy, this Court impleaded the third respondent as a party to the writ petition by order dated 2-9-2002 and pursuant to the orders of this Court, the third respondent filed a counter stating that the first respondent passed exparte order dated 10-12-1997 in W.C.No.130 of 1997, directing the second respondent herein to deposit an amount of Rs.1,99,660-80 Ps., towards compensation payable to the petitioner herein. The second respondent filed I.A.No.1 of 1998 on 9-1-1998 to set aside the exparte order dated 10-12-1997, but the second respondent himself failed to attend the hearings and as there was no representation on behalf of the second respondent, the first respondent dismissed the said I.A.No.1 of 1998 by order dated 18-7-1988, directing the second respondent herein to comply the order dated 10-12-1997. Thereafter, the first respondent instead of implementing his own orders, issued a notice to implead one Sithamma in the said Workmen Compensation Case, without having any jurisdiction whatsoever after passing the award. The dispute was only between the petitioner and the second respondent before the first respondent. Final orders have already been passed. The application filed by the second respondent in I.A.No.1 of 1998 to set aside the earlier order was also dismissed. Therefore, there was no any justification on the part of the first respondent in not taking steps to implement his own order, which has become final. Admittedly, the second respondent has not questioned the said order. Thus, the said order attained the finality. Once an order is passed, it is the duty of the authorities under the Workmen Compensation Act to implement the same. The authorities are created in the Statute only to help the workmen in an effective manner, but having passed the orders, they cannot keep quite because of some reason or other and without any

justification whatsoever. Therefore, the Principal Secretary to Government, Labour, Employment Training and Factories Department, Government of Andhra Pradesh, Hyderabad rightly stated in his counter that the first respondent cannot dismiss the workmen compensation case on the ground that the petitioner K.R.Aruna died. Merely because the petitioner died, after passing the final order, the amount of compensation payable by the second respondent cannot be wiped out and the legal heirs of the deceased petitioner are entitled to get the compensation.

Therefore, I am of the opinion that the order passed by the first respondent dated 14-2-2002 dismissing W.C.No.130 of 1997 on the ground that the writ petitioner herein Smt.K.R.Aruna died is illegal and no-nest in law. Accordingly, the said order is set aside and the order passed by the first respondent dated 10-12-1997 in W.C.No.130 of 1997 holds good.

The Writ Petition is accordingly allowed, directing the first respondent to implement his award dated 10-12-1997 passed in W.C.No.130 of 1997 as expeditiously as possible. No costs.

V.ESWARAIAH, J

Date: 28-02-2005.

Shr.

That Rule Nisi ordered on 8-12-1999 is made absolute.

Asst. Registrar.

To

1. The Dy.Commissioner of Labour, Hyderabad Twin Cities,
Government of A.P., Anjaiah Bhavan, Hyderabad.
2. The Secretary to the Government of Andhra Pradesh, Labour
Department, Hyderabad.
3. Two CCs to the G.P. for Labour and Employment, High Court of
A.P., Hyderabad.
4. Two C.D. copies.