
(2007) 02 PAT CK 0149
In the Patna High Court

Branch Manager, United India Insurance Co. Ltd. APPELLANT
Vs
Sajan Ram and Another RESPONDENT

Date of Decision : 26-02-2007

Acts Referred:

Workmens Compensation Act, 1923 — Section 4

Citation : (2007) 114 FLR 409 : (2007) 2 PLJR 593

Hon'ble Judges : S.N. Hussain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.N. Hussain, J.—Heard learned Counsel for the appellant and learned Counsel for the respondents.

This misc. appeal is directed against the judgment and award dated 31.3.2031 passed by the Deputy Labour Commissioner-cum-Commissioner for Workmen Compensation, Patna, in W.C. Case No. 23/2000(C), by which the appellant was directed to pay Rs. 1,68,000/- as compensation to the claimant alongwith 9% interest under the provision of Section 4 of the Workmen's Compensation Act 1923.

2. After hearing the learned Counsel for the parties and considering the materials on record including the impugned order, it is quite apparent that the matter was a contested one and the impugned order was passed after hearing both the sides. It is also not in dispute that the impugned order was passed fey Deputy Labour Commissioner-cum-Commissioner for Workmen Compensation Patna.

3. A decision of this Court in Most. Parmada Devi Vs. Sri Bishwanath Singh and Others, has been referred. In the said decision, this Court has specifically held that the Presiding Officer of the concerned Labour Court has been declared as the ex-officio Commissioner for Workmen's Compensation to deal with non-con tested cases only arising under the Act and the rules framed thereunder, and he does not have jurisdiction to deal with the matters contested between the

parties. It was also held in that decision that once such a contest was set up the Deputy labour Commissioner-cum-Commissioner Workmen Compensation was bound in law to refer the matter to the Labour Court having jurisdiction over the matter for adjudication. In the said case, reliance had also been placed upon the decisions of this Court in *Raj Kishan Co. v. The State of Bihar and Ors.* 1999 (1) PLJR 803 and also the decision of this Court in *Most. Bigai Devi v. Divisional Manager, Railway, Mugalsarai and Ors.* in M.A. No. 108 of 2000 decided by judgment dated 2.8.2002. Learned Counsel also refers the case of *National Insurance Company v. Chanchala Devi and Ors.* in M.A. No. 445 of 2002, decided on 5.2.2007.

4. Considering the aforesaid facts and circumstances, the instant misc. Appeal is allowed and the impugned order passed by the Deputy Labour Commissioner-cum-Commissioner for Workmen Compensation, Patna is set aside and he is directed to refer the dispute to the Labour Court for proper adjudication on all the points.

5. Learned Counsel for the parties shall appear in the Court below on their own within one month from today. It may be noted here that this Court has not considered the matter on merits.