

(1993) 10 AHC CK 0020
In the Allahabad High Court
Case No : C.M.W.P. No. 15048 of 1986

Director General, Dept. of Posts	Vs	APPELLANT
Commissioner, Workmen's Compensation and Another		RESPONDENT

Date of Decision : 01-10-1993

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1994) 2 AWC 862 : (1994) 68 FLR 89 : (1994) 2 LLJ 974

Hon'ble Judges : R.S. Dhavan, J

Bench : Single Bench

Advocate : K.C. Sinha, for the Appellant;

Final Decision : Dismissed

Judgement

1. The Director General, Department of Posts, Postal Board, Government of India and four other of its allied departments, in effect the Union of India, have filed the present writ petition impugning the order of the Commissioner and Labour Officer, Maunath Bhanjan, Azamgarh on the application of one Smt. Savitri Devi, seeking a claim under the Workmen's Compensation Act, 1923, on the death of her husband, Sharda Prasad Singh by an accident while on duty. As a result of the accident, the petition itself narrates, the postman, Sharda Prasad Singh, received head injuries and went into a coma from which he never recovered and died on February 11, 1981.

2. His widow, Smt. Savitri Devi, contends that she was living in the hope that she would be awarded compensation by the Postal authorities but when it was not forthcoming she was constrained to seek a claim before the Commissioner, Workmen's Compensation under the Act, aforesaid. She filed a belated claim. The Commissioner, Workmen's Compensation condoned the delay on the application of the widow seeking compensation and the claim was registered for consideration by an order dated January 24, 1986.

3. The Commissioner, Workmen's Compensation was of the view that adequate

grounds were available to the widow of Sharda Prasad to file an application, though belatedly, and he further observed that it would be in the interest of justice and equity to permit the claim to be registered for adjudication on merits.

4. The Union of India, it is contended in the petition, is aggrieved by the registration of the claim for adjudication, so belatedly and, thus, this petition. It may be placed on record by this Court that this writ petition by the Union of India itself has been filed beyond limitation, to challenge a compensation claim of widow on her, husband's death with the plea that the claim is barred by limitation.

5. This Court cannot lend its equity to the Union of India to challenge a petty order of the Commissioner, Workmen's Compensation receiving a belated claim of a widow whose husband worked as a postman and died on duty. This step of the Union of India to file this frivolous petition is itself inequitable. The least that the Union of India, the Department of Posts, should have been conscious of, was to await the adjudication of the claim, as it was payable to no other person than the widow of a servant of the Government of India.

6. If by any chance the pendency of this petition has been the cause for the proceedings before the Commissioner, Workmen's Compensation being stalled and not, going further, since it was filed, then in that event, this Court hereby gives a direction to the Commissioner, Workmen's Compensation that, whatever may be adjudicated on merits, a cost of Rs. 1,000 will be added to the claim for delaying adjudication which by now ought to have concluded.

7. The petition is dismissed, as it was only listed for admission, there will be no order on costs.

8. A copy of this order shall be sent by the Registrar to the Commissioner, Workmen's Compensation, Maunath Bhanjan, Azamgarh in Case No. WC/1 of 1985 : Savitri Devi v. Director General, Posts, within 15 days from today.