

(2011) 01 OHC CK 0015

In the Orissa High Court

Case No : Writ Petition (C) No. 16504 of 2010

Premananda Rout

APPELLANT

Vs

The Commissioner for Workmen's Compensation-Cum-Asst.
Labour commissioner, BBSR and Others

RESPONDENT

Date of Decision : 04-01-2011

Acts Referred:

Workmens Compensation Act, 1923 — Section 21(2), 3

Citation : (2011) 112 CLT 577 : (2011) 1 ILR (Ori) 234 : (2011) 1 OLR 686 :
(2011) 3 TAC 48

Hon'ble Judges : M.M. Das, J

Bench : Single Bench

Final Decision : Allowed

Judgement

M.M. Das, J.—Heard learned Counsel for the Petitioner.

2. The sole grievance of the Petitioner is that he has filed an application u/s 3 of the Workermen's Compensation Act, 1923 (for short "the Act") for grant of compensation due to the injuries sustained by him in course of his employment, before the Assistant Labour Commissioner-cum-Commissioner of Workmen's Compensation, Bhubaneswar, which has been registered as W.C. Case No. 2 of 2008.

3. It is stated by the learned Counsel for the Petitioner that even though the case is pending from 2008 and the matter is ready for hearing, the Commissioner is not proceeding with the matter. He further submits that in the meantime, the court of the Commissioner of Workmen's Compensation has been established at Jajpur Road in the district of Jajpur and the accident in which, the Petitioner was injured, occurred at Jajpur, which now comes under the territorial jurisdiction of the said Commissioner, whose court has been established at Jajpur road. Accordingly, the Petitioner has filed an application before the Commissioner at Bhubaneswar in W.C. Case No. 2 of 2008 u/s 21(2) of the Act for transferring the case to the Commissioner at Jajpur Road within whose jurisdiction, the accident

occurred. But no orders have been passed in the said application. The said application has been annexed at Annexure-3 to the writ petition. Sub-section (2) of Section 21 of the Act stipulates that if a Commissioner is satisfied that any matter arising out of any proceeding pending before him, can be more conveniently dealt with by any other Commissioner whether in the same state or not, he may, subject to rules made under the Act, order such matter to be transferred to such other Commissioner either for report or for disposal and if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hand or invested by him for the benefit of any party to the proceeding.

4. Since a petition has been filed before the Commissioner at Bhubaneswar by the Petitioner for transfer of the case to the Commissioner at Jajpur Road, this writ application is disposed of directing the Assistant Labour Commissioner-cum-Commissioner of Workmen's Compensation, Bhubaneswar to dispose of the application filed by the Petitioner for transfer of W.C. Case No. 2 of 2008 to the court of the Commissioner of Workmen's Compensation, Jajpur Road within a period of three weeks from the date of communication of this order or production of certified copy of this order before him keeping in view the provision of Sub-section (2) of Section 21 of the Act and, if, in fact, he finds that the accident for which the compensation case has been filed, occurred within the jurisdiction of the court of the Commissioner now established at Jajpur Road, he shall take necessary steps to transfer the records to the said Commissioner at Jajpur Road for disposal of the case.

Writ petition allowed.