

(1984) 08 RAJ CK 0039
In the Rajasthan High Court

Superintending Engineer, Canal Project

APPELLANT

Vs

Phoola and Others

RESPONDENT

Date of Decision : 01-08-1984

Acts Referred:

Citation : (1985) 2 ACC 85 : (1986) ACJ 258

Hon'ble Judges : G.M. Lodha, J

Bench : Single Bench

Judgement

Gumanmal Lodha, J.—This appeal is directed against the order of Workmen's Compensation Commissioner, Bikaner in Workman's case No. 31 of 1974.

2. Phoola Rani and others filed the claim for compensation. Her husband Sohanlal expired because of heart attack on 4-3-11972 when he was working as an operator on a truck RJK 8303 in the employment of the appellant. The claim of compensation was not paid inspite of notice and instead of making the payment when the application was filed, the appellant contested. A meagre amount of Rs. 8,000/- was awarded; by the Authority after full contest. Unfortunately the appeal has been filed against the widow by the State of Rajasthan and the Superintending Engineer, which in my considered opinion in this age of social justice is to be deprecated. It is expected that the authorities concerned in the Government should make payment of the compensation themselves to the dependents of such unfortunate deceased.

3. The Workmen's Compensation Commissioner has held that it is common ground that Sohanlal on 4-3-1972 was performing his duties under the employment of the appellants and in the course of working in the work shop with a hammer he became unconscious and died.

4. On 2-2-1979 it was observed that the question of limitation should be decided at the final hearing and Mr. Arora raised a preliminary objection on the maintainability of the appeal on the ground that it was time barred.

5. It appears that the application was filed by the appellant for condoning delay

in filing of the appeal. I am not inclined to condone the delay as I feel that the reason given is not sufficient. Moreover, I find that even on merits the appellant has got absolutely no case and I can safely term the present appeal amongst the category of hopeless appeals which definitely raises number of civil litigations and is patently against the Constitutional mandate mentioned in the preamble for struggle for social justice. It is unfortunate that the widow of an employee has been dragged to this Court even the amount offered to her was too meagre being Rs. 8,000/- only and that too was allowed after contest. Such contests coming from the Government Departments are most unbecoming of a Socialist Government and belies the preamble and its spirit.

6. Since I feel that this is a hopeless and frivolous, wholly unwarranted appeal, I think I would be failing in my duty by failing to award compensatory costs to the poor widow of the unfortunate victim who died in harness while discharging his duty as an employee of the appellant. The appellant should, therefore, pay an amount of Rs. 1,000/- to the respondent Smt. Phoolrani as costs of this appeal. A copy of this order should be sent to the Chairman, Rajasthan Canal Board so that he ensures that in matters of compensation to the Workmen such frivolous appeals should not be filed in future and the State Exchequer is saved of this unwarranted expenditure.