

**(2007) 05 AHC CK 0304**

**Allahabad High Court**

**Case No:** None

Vaibhav Castings (P.) Ltd.

APPELLANT

Vs

Workmen's Compensation  
Commissioner and Others

RESPONDENT

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**Date of Decision:** May 15, 2007

**Citation:** (2008) 3 AWC 2720 : (2008) 118 FLR 86

**Hon'ble Judges:** S.P. Mehrotra, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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### **Judgement**

S.P. Mehrotra, J.

List has been revised.

Sri Gopal Mishra, learned Counsel for the petitioner is not present. Sri Pankaj Bhatia, learned Counsel for the respondents Nos. 3 and 4 is present.

2. By the order dated 16.10.2006, the learned Counsel for the petitioner was granted three weeks" time for filing Rejoinder Affidavit. However, no Rejoinder Affidavit appears to have been filed on behalf of the petitioner.

It appears that the respondents Nos. 3 and 4 filed an application under the Workmen's Compensation Act, 1923 claiming compensation on account of the death of Yaduvir Kumar Sachan in an accident which allegedly took place in the factory of the petitioner on 26th December, 1995.

Copy of the said application filed by the respondents Nos. 3 and 4 has been filed as Annexure 10 to the Writ Petition.

The said application was registered as W.C. Case No. 108 of 1997.

It further appears that the petitioner filed written statement in the said W.C. Case No. 108 of 1997.:

Copy of the said written statement has been filed as Annexure 11 to the Writ Petition.

It further appears that during the pendency of the said case, the petitioner filed an application dated 20th December, 1999, copy whereof has been filed as Annexure-15 to the Writ Petition. Prayer was made in the said application for summoning certain persons mentioned in the said application for recording their evidence.

3. The Workmen's Compensation Commissioner passed an order dated 20th December, 1999 on the said application dated 20th December, 1999 (Annexure 15 to the Writ Petition).

By the said order dated 20th December, 1999, the Workmen's Compensation Commissioner allowed the said application dated 20th December, 1999 in so far as regards the summoning of Siddh Ram (respondent No. 3) was prayed for in the said application. .

Copy of the said order dated 20th December, 1999 passed on the said application dated 20th December, 1999 has been filed as part of Annexure -18 to the Writ Petition.

4. The petitioner, thereafter, moved another application dated 9th February, 2000, copy whereof has been filed as Annexure 16 to the Writ Petition.

By the said application, it was, inter-alia, prayed that certain documents, namely, Post-mortem Report and Cremation Certificate mentioned in the said application be summoned.

By the order dated 9th February, 2000, the Workmen's Compensation Commissioner rejected the said application dated 9th February, 2000. Copy of the said order dated 9th February, 2000 has been filed as part of Annexure-18 to the Writ Petition.

5. The petitioner, thereafter, filed another application dated 27th June, 2000, copy whereof has been filed as Annexure -17 to the Writ Petition.

Prayer was made for summoning persons mentioned in the said application for recording their evidence.

It is note-worthy that the persons mentioned in the said application dated 27th June, 2000 (Annexure 17 to the Writ Petition) were also mentioned in the application dated 20th December, 1999 (Annexure 15 to the Writ Petition).

By the order dated 27th June, 2000, the said application dated 27th June, 2000 was rejected by the Workmens Compensation Commissioner.

Copy of the said order dated 27th June, 2000 has been filed as part of Annexure 18 to the Writ Petition.

6. The petitioner has filed the present Writ Petition, inter-alia, seeking quashing of the said orders dated 20th December, 1999, 9th February, 2000 and 27th June, 2000.

Counter Affidavit has been filed on behalf of the respondent Nos. 3 and 4 in the present case. However, as noted above, no Rejoinder Affidavit appears to have been filed on behalf of the petitioner.

7. I have heard Sri Pankaj Bhatia, learned Counsel for the respondents Nos. 3 and 4, and perused the record.

It is submitted by Sri Bhatia that the impugned orders are interlocutory in nature, and no interference is called, for with the said orders.

8. Having regard to the facts and circumstances of the case and having considered the submissions made by Sri Pankaj Bhatia, I am inclined to accept the submissions made by Sri Bhatia.

9. The orders, impugned in the present Writ Petition, as noted above, are interlocutory orders passed during the pendency of the proceedings in the said W.C. Case No. 108 of 1997 before the Workmen's Compensation Commissioner.

Cogent reasons have been given by the Workmen's Compensation Commissioner for passing the said orders.

10. No illegality or perversity appears to have been committed by the Workmen's Compensation Commissioner in passing the said orders.

In view of the above, I am of the opinion that the Writ Petition lacks merits, and the same is liable to be dismissed.

The Writ Petition is, accordingly, dismissed. However, on the facts and in the circumstances of the case, there will be no order as to costs.