

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>AO No.382 of 2024</p> <p><b><u>Hon'ble Pankaj Purohit, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Deepak Rawat, learned counsel for appellant.</li> <li>2. Heard.</li> <li>3. This is an appeal u/s 30 of the Employees Compensation Act, 1923 against the judgment and award dated 12.07.2024 passed by learned Employees Compensation Commissioner/Labour Court Dehradun in E.C.A Case No.17 of 2023 (Narayan Singh &amp; others vs. Ravindra Singh Chauhan &amp; others).</li> <li>4. Admit the appeal on the following question of laws: - <ol style="list-style-type: none"> <li>(1) Whether the learned Commissioner was justified in granting compensation to the claimants when it was clearly proved that the Driver of the vehicle in question did not have a transport as well as hill endorsement on his driving license which would have authorized him to drive a transport/commercial vehicle.</li> <li>(2) Whether the Commissioner was justified in fastening the liability upon the Insurance Company when a similar controversy regarding the issue of transport endorsement in "M/s Bajaj Alliance General Insurance Company Ltd. Vs Rambha Devi and others", in Civil Appeal No.841 of 2018, 2022 Live Law SC 270, has been referred to a bench of five judges and the same is awaiting adjudication.</li> <li>(3) Whether the Commissioner was justified in fastening the liability upon the Insurance Company when it was admitted before the learned Commissioner that the owner of the vehicle was the real brother of the deceased</li> </ol> </li> </ol>

and the claimants were the real brother and his children who would not come within the definition of dependent as contemplated under the Employees Compensation Act.

(4) Whether the learned Commissioner was justified in assessing the income of the deceased at Rs. 15,000 per month for the purposes of granting compensation as the same is clearly on a higher side and not in consonance of the provisions of the Employees Compensation Act 1923.

(5) Whether the learned Commissioner was justified in fastening the liability upon the Insurance company when the employment of the relationship of employer/employee was not categorically established which is a prerequisite for grant of compensation in Employees Compensation Act 1923.

**5.** Issue notices to the respondents, wherefor steps be taken within a week.

**6.** Sent for Trial Court Record.

**7.** List on 27.12.2024.

**8.** Since this is an appeal under the Employees Compensation Act, the appellant-Insurance Company has already deposited the decretal amount before the concerned Compensation Commissioner. Having regard to the facts of the case it is directed that the said amount shall not be released without express leave of this Court.

**9.** Stay application (IA/1/2024) stands disposed of.

**(Pankaj Purohit, J.)**

07.10.2024