

Madhukar Rao

Vs

Claims Commissioner and Others

Civil Appeal No. .. of 1996

(CJI A . M. Ahmadi, M. K.Mukherjee, K. Venkataswami JJ)

15.03.1996

ORDER

1. Special leave granted.

2. It appears that when the appeal against the order of the Deputy Commissioner was taken up by the First Additional Welfare Commissioner, the Welfare Commissioner exercised suo motu powers of revision and thereafter proceeded to dispose of the revision application and directed that the copy of the order therein be placed on the file of the appeal also. It appears that he heard the revision as well as the appeal together. It seems from the notice dated 21-4-1995 issued for exercising suo motu jurisdiction that the objection was in regard to the choice of the multiplier and not to the question regarding the entitlement to compensation. That appears to be the limited purpose for exercise of suo motu jurisdiction but from the order passed by the First Additional Welfare Commissioner, it appears that the entire claim for death was converted into personal injury and compensation was determined on that basis. That appears to have taken the appellant by surprise. In the circumstances the learned counsel for the appellant submits that it is necessary to set aside this order, remit the matter back to the First Additional Welfare Commissioner for disposal in accordance with law, a suggestion to which the other side has no objection.

3. In the result, we allow these appeals, set aside the impugned order of the First Additional Welfare Commissioner, Bhopal, and remit the matter for disposal in accordance with law keeping in view the limited purpose for which the suo motu notice was issued. Since the impugned order cannot be allowed to stand, both the revision as well as the appeal will stand revived for disposal. There will be no order as to costs.