

**JAIPUR VIDYUT VITRAN NIGAM LIMITED**

No. JPD:Per:D-III:F.

:D. 535

Jaipur,  
May 16, 2008

**CIRCULAR**

As per Section 12 of Workmens' Compensation Act, 1923, the Principal-Employer is liable for payment of compensation in respect of a workman of a Contractor, if such workman sustains injuries while executing any work, which is ordinarily a part of trade or business of the Principal-Employer, however, as per Sub-Section (2) the Principal-Employer is entitled to be indemnified by the Contractor.

It has been observed that in accident cases of Contractor's labour, the field/Circle Officers do not take timely action for conducting enquiries, ensuring payment of compensation by the concerned Contractor and claiming indemnity from the Contractor on instituting case before the Workmens' Compensation Commissioner by workman concerned or his dependent. Due to such negligence on the part of concerned officers, the Nigam has to face unwanted litigation as well as bear financial liability in most of cases.

In order to avoid such situation, it is enjoined upon all concerned to follow the following guide-lines/instructions:

1. While awarding works on contract, condition as mentioned at para-7 of Circular No. JPD/PERS/D-III/F. 325(CAO)/D. 239 dated 18.03.06 be ensured, so that in the event of failure of the Contractor to discharge liability for payment of compensation under the provisions of W.C.Act, the Insurance Company may be held responsible for payment of compensation. The Contractor should be sounded that while taking policy from Insurance Company, a condition should invariably be kept that it shall deposit compensation within stipulated period otherwise it shall be responsible for interest and penalty, if any, imposed by WCC.
2. Immediately on occurrence of accident of a Contractor's workman necessary steps for conducting enquiry as per procedure mentioned in Circular No. JPD/PERS/D.III/F.21(360)/D. 773 dated 11.06.02 be taken and if any officer/official of JVVNI is found responsible for the accident, his responsibility be fixed.
3. If it is found that the Contractor's workman met with accident while discharging his duty, the SE of concerned Circle shall immediately give a notice to the Contractor to discharge his liability for payment of compensation within 7 days.

4. In the event of failure of Contractor to discharge his liability for payment of compensation, the amount of compensation in lump sum be worked out and deposited with WCC of concerned area by the SE concerned and an equal amount be deducted from dues of the Contractor.
5. In cases wherein Contractor's workmen/their dependents have filed claim before the WCC, an application be filed by the non-applicants for claiming indemnity.

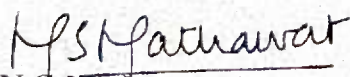
Any slackness in following these instructions by any officer will be viewed seriously and stern disciplinary action will be taken against him.

By order,

  
( G.R.Sharma )  
Chief Personnel Officer

Copy to the following for information and necessary action:

1. The Chief Engineer/ZCE./Dy.CE(            ), Jaipur Discom,
2. The Secretary (Admn.), Jaipur Discom, Jaipur.
3. The Addl. Superintendent of Police(Vig.), Jaipur Discom, Jaipur.
4. The CAO/Sr.AO(HQ), Jaipur Discom, Jaipur.
5. The Superintending Engineer(            ), Jaipur Discom,
6. The Executive Engineer (            ), Jaipur Discom,
7. The Sr./Accounts Officer (            ), Jaipur Discom.
8. The Sr./Personnel Officer (            ), Jaipur Discom,
9. The Assistant Engineer (            ), Jaipur Discom,

  
( N.S.Nathawat )  
Personnel Officer (Tech.Estt.)