

THE HIGH COURT AT CALCUTTA

NOTIFICATION

No. 5306-RG

Dated: 28.07.2025

PRACTICE DIRECTIONS

In compliance with the directions of the Hon'ble Supreme Court in order dated 22.04.2025 passed in **Suo Motu Writ Petition (C) No. 7 of 2024 in "In Re: Compensation amounts deposited with Motor Accident Claims Tribunals and Labour Courts"**, the Hon'ble the Chief Justice has been pleased to issue the following practice directions for implementation by all Commissioners and Labour Courts under the Workmen's Compensation Act, 1923 within the territory of West Bengal:

1. Short title, extent, application and commencement.-

- a. These Practice Directions shall be called "Practice Directions for Providing Material Details while filing claim applications and Disbursement and Monitoring of Compensation under the Workmen's Compensation Act, 1923".
- b. These directions are issued to ensure the effective and timely disbursement of compensation to entitled workmen or their dependents and to address the issue of large amounts of unclaimed compensation.
- c. These directions shall, unless expressly provided otherwise, apply to all proceeding pending and/or filed before the Commissioner for Workmen's compensation.
- d. These Practice Directions shall come into force with immediate effect.

2. Definitions.-In these directions, unless the context otherwise requires—

- (i) "Act" means the Workmen's Compensation Act, 1923 or Employees' Compensation Act, 1923 as applicable.
- (ii) "Commissioner" means a Commissioner appointed under Section 20 of the Act.
- (iii) "Claimant" means the injured workman or dependents of a deceased workman entitled to compensation.
- (iv) "High Court" means the High Court at Calcutta.
- (v) "Rules" means the Workmen's Compensation Rules, 1924.
- (vi) Words and expressions used in these Practice Directions and not defined, shall have the same meaning as assigned to them in the Act.

3. Mandatory Particulars in Applications.-

- a. While filing an application to a Commissioner under the Act, the following particulars shall be incorporated in addition to the requirements enumerated in the Act and the Rules:
 - i. Names and addresses (local and permanent) of the injured persons or the owners of the damaged property, as the case may be, their Aadhar and PAN details and email-id, if any; and
 - ii. Names and addresses (local and permanent) of all the legal representatives of the deceased victim of the accident who are claiming compensation, their Aadhar and PAN details and email-id, if any.
- a) If the aforesaid details are not furnished, the registration of the application should not be refused on that ground, but the Commissioner at the time of issuing notice

may direct the applicant(s)/claimant(s) to furnish the information and make the issue of the notice subject to making compliance.

4. Directions while passing order.-

- a. While passing any order of grant of compensation, the Commissioner shall call upon the person or persons held entitled to receive compensation, to produce their bank account details along with either a certificate of the banker giving all details of the bank account of the person or persons entitled to receive the compensation including IFSC Code, or a copy of a cancelled cheque of the bank account. The Commissioner for Workmen's Compensation shall call upon the claimants to produce the documents within a specified reasonable time.
- b. A further direction shall be issued to the persons entitled to receive compensation to keep on updating information regarding the bank accounts, email address, in case there is any change.
- c. In the event a consent award or consent order is made, the Commissioner may direct the deposit of the compensation amount ordered to be released to the claimants directly to the bank accounts of the persons held entitled to receive compensation. However, the consent terms must contain all relevant account details of the persons entitled to compensation in accordance with clause 4.2 above. The account details can also be incorporated in the order passed for the disbursement of the amount on the basis of a compromise between the parties. In case of compromise before the Lok Adalats, the Commissioner, on the basis of the settlement, shall pass a consequential order in the above terms.
- d. It shall be the duty of the Commissioner to verify from the certificate issued by the banker and ascertain whether the account is of the persons held entitled to receive compensation.
- e. The Commissioner, while passing orders of withdrawal/disbursement shall in the ordinary course, pass an order of transfer of the requisite amounts directly to the bank account of the person(s) entitled to receive compensation as per the account details furnished. If there is a long gap between the date of furnishing the account details and the date of filing application for withdrawal of the amount, the Commissioner will be well advised to get fresh account details of the claimants.
- f. Whenever the Commissioner passes an order of deposit of compensation amount with the Tribunal, there shall be a direction issued to invest the amounts in a fixed deposit, preferably fetching the highest rate of interest with any nationalized bank and the fixed deposit shall be with the standing instructions to the bank to renew the same after periodical intervals till further orders are passed by the Tribunal.

5. Directions to ascertain the whereabouts of the persons who have been held to be entitled to receive compensation.-

- a. All the Commissioner for Workmen's Compensation shall initiate a drive to ascertain the whereabouts of the persons who have been held to be entitled to receive compensation but have not taken the same. This shall be done by taking the assistance of the District Legal Services Authorities and para-legal volunteers.
- b. A monthly list of all unclaimed deposits with particulars like name of workman, deposit amount, date of deposit etc. shall be displayed prominently outside the office of the Commissioner for Workmen's Compensation.

6. These directions are in addition to the procedure enumerated and Forms prescribed in the Act and the Rules;

Provided that nothing in this Practice Direction shall prevent the State Government from enacting at any time any rules with respect to the same matter. Provided further that in the event of any conflict or inconsistency between the provisions of this Practice Direction and the Act, the provisions of the Act shall prevail.

By Order of the Hon'ble the Chief Justice

Sd/-

Registrar General,
High Court at Calcutta