



Ex Tempore Decision

Title of Matter:	Labour Officer	(Applicant)
	v	
	Cyberlink Co. Ltd	(Respondent)
Section:	Section 6 <i>Workmen's Compensation Act 1964</i>	
Subject:		
Matter Number:	ERT Workmen's Compensation No 91 of 2011	
Appearances:	Ms Ratu for the Applicant No Appearance by the Respondent	
Dates of Hearing:	20 November 2017	
Before:	Mr Andrew J See, Resident Magistrate	
Date of Decision:	20 November 2017	

This is an Ex-tempore decision given in Workmen's Compensation Case number 91 of 2001. The applicant Labour Office has sought a ruling from the Tribunal in circumstances where the Respondent company Cyberlink Co. Ltd is said to no longer be in operation. The Labour Office has been unable to indicate to the Tribunal, whether or not that in effect means that the company is also deregistered.

Having regards to the Submissions of the Applicant, the Tribunal finds that the deceased, Mr Jasbir Singh was an engaged truck driver with Cyberlink Transport when he died on the 13th of January 2008.

The deceased worker had been engaged with the company sometime from July of the previous year, where he had worked mainly in the transporting of fertilizer products from Lautoka to Labasa.

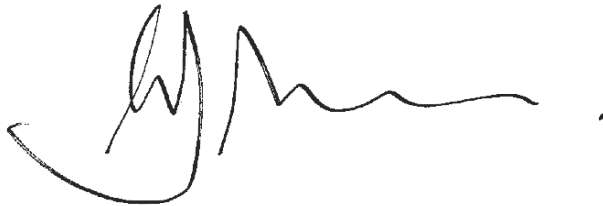
On 12 January of 2008, the deceased Worker was instructed by his Employer to take another trip to Labasa. The deceased left at his place of employment at about 3 o'clock pm to travel to Labasa. The following day of the 13th of January 2008, the deceased had an accident and died at

the scene. He was driving the company vehicle at that time when he was involved in a vehicle accident. He died while being trapped in the truck.

The application brought by the Labour Officer has been made on behalf of the dependants of the deceased, in accordance with Section 3 of the *Workmen's Compensation Act 1964*. It arises by virtue of Section 5 of *Workmen's Compensation Act*, insofar as it is a personal injury where accident arising out of ay course of employment. There seems no doubt that the nature of this particular incident is certainly a workplace accident.

The proceedings have been commenced in accordance with Section 13 of the relevant Act. What is being sought is the amount of \$19, 500.00.

The Tribunal believes having regard to the circumstances that have given rise to the fatality that such a sum is reasonable and orders it to be paid accordingly.



Mr Andrew J See
Resident Magistrate