



CGHC010100102020



2026:CGHC:36779

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 738 of 2020**

Smt. Jaishri Verma W/o Shri Khilawan Verma Aged About 50 Years Building Owner,
R/o Kewatpara, Near Saraswati Shishu Mandir, Kewatpara, Ward No. 10, Chikhli,
District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

... Appellant**versus**

1 - Ram Kumar Sahu S/o Late Shri Bisahu Ram Sahu Aged About 51 Years R/o
Ward No. 03, Shitla Mandir Road, Chikhli, Rajnandgaon, Tahsil And District-
Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

2 - Smt. Pemin Bai Sahu W/o Shri Ramkumar Sahu Aged About 46 Years R/o Ward
No. 03, Shitla Mandir Road, Chikhli, Rajnandgaon, Tahsil And District-
Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

... Respondents**(Cause title, as taken from Case Information System)**

For Appellant	:	Mr. Abhishek Sharma, Advocate.
For Respondents	:	Mr. Pranav Tiwari, Advocate.

(Hon'ble Mr. Justice Naresh Kumar Chandravanshi)**Order on Board****18/08/2026**

1. This Miscellaneous Appeal has been preferred under Section 30 of the Employees' Compensation Act, 1923 (for brevity, "EC Act, 1923"), calling in question the legality and correctness of the impugned award dated 07.12.2018 passed by the learned Commissioner for Employees' Compensation-Cum-Labour Court, Rajnandgaon (C.G.) in Case No. 03/W.C.Act/2011/fatal, whereby

the Commissioner-cum-Labour Court has awarded compensation of Rs. 7,23,808 along with simple interest at the rate of 12% per annum from 03.09.2010, if the amount of compensation is not paid within one month from the date of the incident, i.e., 03.08.2010.

2. Facts of the case, in brief, are that on the date of incident i.e. 3.8.2010, Jaggu @ Jageshwar Sahu was working as Carpenter in the under-construction house of the appellant -employer. When he was driving a nail to hang curtains, he suffered electric shock, resulting in severe injuries and his death on the spot itself. His unfortunate father & mother /respondents have filed claim petition under Section 22 of the EC Act, 1923 against appellant / employer seeking compensation to the tune of Rs. 8,00,000/- along with interest. As per pleading of claimants/respondents, deceased was aged about 22 years old at the time of the incident and earned a monthly wages of Rs. 6,500/-.

3. Appellant / employer filed her reply, in which , she admitted that deceased Jaggu @ Jageshwar was working in her under-construction house as Carpenter on contractual basis, however, he was not a regular employee, and thus no employer-employee relationship existed between them, hence, the claim application filed by the respondents /claimants liable to be dismissed.

4. Learned Commissioner-cum-Labour Court framed issued, recorded evidence adduced by the parties and vide impugned award dated 07.12.2018 granted compensation of Rs. 7,23,808 along with simple interest at the rate of 12% per annum from 03.09.2010, if the same is not paid within one month from the date of the incident, i.e., 03.08.2010., which has been challenged by appellant – employer by filing instant appeal.

5. This appeal has been admitted for hearing on 14.10.2022 on the following substantial question of law :-

“Whether the court below was justified while holding there being an employer and employee relationship between the appellant and the deceased ?”

6. Counsel for the appellant/employer submits that the deceased was not a regular employee of the appellant/employer but was engaged on a contract basis for carpentry work for a sum of Rs.1,000/-, therefore, finding recorded by learned Commissioner-cum-Labour Court that there was employer and employee relationship between the appellant and deceased is perverse and illegal, hence, he prays that the appeal may be allowed and judgment dated 07.12.2018 may be quashed.

7. Per contra, learned counsel for the respondents / claimants would support the impugned judgment.

8. Heard learned counsel for the parties and perused the material available on record.

9. Undisputedly, the deceased died due to electrocution while working in the house of appellant / employer, which was under construction, where he was engaged in carpentry work and driving a nail to hang curtains, therefore, charge-sheet for the offence under Section 304 (A) of IPC (Ex.P-1) was filed against appellant /employer before the court of Chief Judicial Magistrate, Rajnandgaon (C.G.). In postmortem report (Ex.P-4), cause of death of deceased has been shown to be head injury, but as per charge-sheet, deceased suffered head injuries on account of electrocution while putting nail (खूंटी) for hanging curtain, at that time, he came in contact with live electric wire.

10. Appellant-employer has admitted in her reply and statement recorded before the learned Commissioner-cum-Labour Court that deceased Jaggu @ Jageshwar was working on contractual basis in his house, which was under-construction for a consideration of Rs.1,000/-. Even if, aforesaid statement of

appellant/employer is accepted, despite that deceased cannot be denied to be employee of appellant / employer in view of definition appended in Section 2(1) (dd), Schedule II (iii) of the EC Act, 1923, which clearly stipulates that the persons employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises.

11. Having considered aforesaid facts and specific admission made by appellant /employer in her reply as well as statement recorded before the Commissioner-cum-Labour Court, in the considered opinion of this Court, finding recorded by learned Commissioner-cum-Labour Court does not suffer from any perversity or illegality holding deceased to be an employee of appellant / employer at the time of incident. Hence, substantial question of law is answered “positive” i.e. in favour of respondents and against the appellant / employer.

12. In view of above, the appeal, being devoid of substance, is liable to be and is hereby dismissed. No order as to cost (s).

13. Consequently, stay order dated 14.10.2022 passed by this Court, staying the further proceeding of execution proceeding arising out of the impugned award dated 07.12.2018, shall stand vacated.

Sd/-

(Naresh Kumar Chandravanshi)
Judge