

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

935 FIRST APPEAL (ST) NO. 9126 OF 2014

WITH

CIVIL APPLICATION NO. 4136 OF 2014

IN

FAST/9126/2014

THE STATE OF MAHARASHTRA THRO. RANGE FOREST OFFICER, LATUR
VERSUS

RAJESH MARUTI ITKAR AND OTHERS

...

AGP for Applicant : Mr. R. B. Bagul

Advocate for Respondents 1 to 2: Mr. D. N. Gilche, Mr.

M. B. Sandanshiv

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CORAM : S. V. GANGAPURWALA, J.**DATE : 9th October, 2015****PER COURT :**

1. Learned AGP submits that there was no relationship of employer and employee between the present appellant and the deceased. According to the learned AGP, the agreement produced on record shows that the said agreement was with contractor and not with the appellant. It is also proved that the said contractor was employed by the appellant.
2. Learned counsel for the respondent/claimants submit that copy of the agreement is produced on record. The said person with whom the agreement was executed used to work with the appellant.
3. I have considered the submissions.

4. This being an appeal under the provisions of the Workmen' Compensation Act, can only be considered on substantial question of law. As per provisions of the Workmen's Compensation Act, even if the employee is employed by a contractor engaged by the principal employer, then the principal employer is also liable.

5. The court has considered the evidence on record. Considering the evidence on record, the court has come to the conclusion that chain of circumstances and facts prove that the deceased Sunita was employed by original respondent No.2, who in turn was contractor, engaged by the original respondent No.1 i.e the present appellant. The contract of employment is produced on record. The evidence has been appreciated in plausible manner. No substantial question of law arises. The first appeal is dismissed. No costs.

6. The claimant is allowed to withdraw the amount deposited by the appellant.

7. In view of dismissal of the first appeal, civil application also stand disposed of.

(S. V. GANGAPURWALA, J.)