

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.1171 of 2004

JUDGMENT:

This appeal is preferred against order of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Karimnagar dated 26.12.2003 in W.C.No.20 of 2002.

2. Brief facts leading to this appeal are as follows:

Respondent herein submitted application to the Commissioner for Workmen's Compensation, who is the Assistant Commissioner of Labour, contending that on 04.01.1993 while he was working as Mining Sardar in GDK-6B-incline of M/s.Singareni Collieries Company Limited, and while he was proceeding to his quarters at Ramoshnagar, Godavarikhani, after completion of the work, he met with a road accident within the factory premises at Singareni Collieries and received severe injuries and lost his eye sight and as he sustained injuries during the course of his employment, he claimed compensation from appellant herein, who is his employer. The Assistant Commissioner of Labour, Karimnagar, on a consideration of oral and documentary evidence produced on behalf of both parties, granted compensation of Rs.31,035/- for the injuries sustained by respondent herein. Aggrieved by the order of the Assistant Commissioner of Labour, employer preferred the appeal.

3. Heard both sides.

4. Advocate for appellant submitted that the accident was not during the course of employment and it was occurred out side the factory premises, therefore, appellant is not liable to pay any compensation. To prove the same, Senior Clerk of appellant's Company is examined as RW.1 and he categorically deposed that accident was not during the course of employment. Advocate for appellant submitted that the order of the Assistant Commissioner of Labour is not legal and lower authority has not correctly understood the nature of the accident, therefore, the award passed by the Assistant Commissioner of Labour is to be set aside.

5. On the other hand, Advocate for claimant submitted that from the evidence of the injured/claimant, it is clear that accident was within the premises of Singareni Collieries and it is not out side the premises. He submitted that claimant just completed the work and about to go to his quarters, at that time he met with an accident and he lost his vision and the Assistant Commissioner of Labour has rightly appreciated the evidence and there are no grounds to interfere with the findings of the lower authority.

6. Now the point that would arises for my consideration in this appeal is:

Whether the order in W.C.No.20 of 2002, dated 26.12.2003, of the Commissioner for the Workmen's Compensation and Assistant Commissioner of Labour, Karimnagar, is legal, proper and correct?

POINT :

7. The main contention of appellant is that there is no liability for appellant since the accident was not during the course of employment. As seen from the material, RW.1 is not a direct witness, but he admitted in the cross that the accident occurred at a place which was under the control of employer. The injured clearly deposed in the evidence that the accident was within the premises of the Mine and it is not out side the premises of Singareni Collieries. As seen from the order, the very same objection was raised before the lower Authority and also relied on a decision of Hon'ble Supreme Court in support of the objection of appellant. The lower authority by distinguishing the decision of Hon'ble Supreme Court to the facts of the case held that the accident in the instant case was very much within the premises of Mine, therefore, the injured is entitled for compensation and accordingly granted Rs.31,035/-. As seen from the material, accident was within the work place of respondent herein, therefore, the objection of appellant that the incident was not during the course of employment cannot be sustained.

8. On a scrutiny of the material, I am of the view that the lower authority rightly distinguished the facts and granted compensation and I do not find any in correct findings or wrong application of law, as such, there are no grounds to interfere with the findings of the lower Court.

9. For these reasons, the appeal is dismissed confirming the order passed by the Assistant Commissioner of Labour, Karimnagar. No costs.

10. Miscellaneous Petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

12th February 2015.
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