

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 896 of 2015**

Sanjay Tiwari (Contractor) S/o Shri B.P. Tuiwari Aged About 42 Years R/o
Near Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Appellant**Versus**

1. Banshi Lal Shriwas S/o Late Samman Lal Shriwas R/o Near Bangali Hotel,
Jhopdapara, Sirgitti, District Bilaspur Chhattisgarh
2. D.R.M. South East Central Railway, Bilaspur District Bilaspur Chhattisgarh

...Respondents

For Appellant : Mr. Arvind Dubey, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Oral order****12/05/2016**

Heard on admission.

This appeal is directed against order dated 17.06.2015 passed by the Commissioner Employees Compensation Act/ Labour Court, Bilaspur by which, the Commissioner has awarded compensation for injuries sustained by workman.

2. Learned counsel for the appellant assailed correctness and validity of the impugned order on the submission that the Commissioner has recorded perverse finding of there being a relationship of an employer and employee between the appellant and respondent workman. He submits that there is no documentary evidence led by the respondent to prove that he was engaged as labourer by the appellant in connection with the construction work carried out by the appellant under a contract with the Railway authority. Learned counsel for the appellant submits that only based on oral evidence, the Commissioner has recorded finding of existence of employer and employee relationship. He further submits that even any other labourer, who was working at the spot, has not been examined by the

workman to prove by clinching evidence that respondent No.1 was also working at the spot and that too engaged by the appellant.

3. Learned Commissioner, relying upon the oral evidence of respondent workman, independent witness Kamal Singh as also one C.H. Gouraiya Executive Engineer, South Eastern Central Railway, Bilaspur has recorded a finding of fact of there existing the relationship of employer and employee. The appellant has not disputed that he was engaged as a contractor by the Railway authority to carry out construction work of Railway Hospital. The Commissioner has also taken into consideration that immediately after the incident, an FIR was lodged by the respondent workman in the police station, in which, it was reported against the appellant that while working under the employment of appellant, incident of accident happened resulting in injury.

4. In view of the above, it is clear that the finding is based on oral evidence of more than one witnesses as also that soon after the incident, an FIR lodged by the respondent workman wherein it was stated that he was employed by the appellant which rules out possibility of any false case on afterthought basis.

5. Therefore, no substantial question of law is involved in this appeal. The appeal is without merit and is therefore dismissed.

6. Records of the Court below be remitted forthwith.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E