

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 256 OF 1997

Shri. Basha Allisab Shaikh, age about 46,
Occupation : Service, R/o. 127, Sidheshwar
Path, Umbarje Trust, Solapur

.....Appellant

V/s.

Employees State Insurance Corporation, P.M.T.
Commercial Building, Shankarseeth Road,
At & Post Pune-411 044

.....Respondent

* * * * *

Ms. Sonia Miskin, Advocate for the appellant.

Mr. H.V. Mehta, Advocate for the respondent.

Coram :- Smt. R.P. SondurBaldota, J.

5th May, 2016.

JUDGMENT :-

1). This appeal arises out of the judgment and order dated 22nd March, 1996 passed by the Industrial Court, Sholapur dismissing the appeal preferred under Section 54-A(2)(ii) of the Employees State Insurance Act, 1948. By that appeal, the appellant herein had challenged the order dated 20th October, 1989 passed by the Medical Board certifying that, there was 0% disability on the part of the appellant on account of the injury sustained by him in the incident dated 13th April, 1999. The appellant was serving as a “Care-Helper” with Narsinggirji Mills. The nature of the duties to be performed by him was of mixing

chemicals like caustic and silicate soda etc. in a tray. On 13th April, 1989 while he was working in the second shift, the chemicals that he was mixing splashed on his face and eyes. He was immediately given first-aid treatment and then moved to ESI Hospital. He was unable to attend his duties during the period 14th April, 1989 to 8th May, 1989. He joined his duties on 13th May, 1989.

2). The appellant claimed that, because of the accidental injury, he often felt dizzy and was not able to see the distant objects. Whenever he worked in a bright light, he started getting headache. This according to him, is a permanent disability and he desired to be compensated for it under the Employees State Insurance Act. For that purpose, he was examined by the Medical board, which certified that his disablement was 0%. Being dissatisfied with the certificate, he unsuccessfully appealed to the Industrial Court under Section 54-A(2)(ii) of the Employees State Insurance Act.

3). The appellant claimed that, the accidental injuries have resulted into disability to the extent of 35% and hence he is entitled for compensation for the disability. The appeal was opposed by the respondent, Corporation contending that the Medical Board is a statutory body consisting of expert doctors. The Board is also an independent agency, which has on proper examination issued disability certificate and there is no reason for finding fault with the certificate issued. Before the Industrial Tribunal, the appellant had produced the Medical Certificate obtained by him from a private doctor on 16th June, 1993. That doctor though prescribed use of spectacles to him, has specifically recorded that no abnormality was detected as far as the eye sight of the appellant is concerned. The lower appellate Court considered both the certificates and the details thereof. The certificate of

the board showed that the cornea of the appellant was clear and there was no abnormality detected in respect of fundi. The vision of both the eyes was "6/6 i.e. normal". Since this view of the Medical Board is infact confirmed by the Medical certificate of the private doctor whom the appellant had subsequently consulted, the Industrial Tribunal has correctly dismissed the appeal preferred by the appellant herein. Thus, there is no infirmity whatsoever in the impugned order. Hence, the First Appeal is dismissed.

(SMT. R.P. SONDURBALDOTA, J)