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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1291 of 2017**

Municipal Corporation Through Commissioner, Municipal Corporation, Saket Bhawan, Korba, Tahsil And District Korba, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Yashoda Devi Patel W/o Late Dharam Lal Patel, Aged About 37 Years
2. Mahendra Kumar Patel S/o Late Shri Dharam Lal Patel, Aged About 17 Years
3. Manish Kumar Patel S/o Late Shri Dharam Lal Patel, Aged About 15 Years
4. Bhagwat Ram Patel S/o Shree Jagat Ram Patel, Aged About 75 Years
5. Smt Naan Bai Patel W/o Shree Bhagwat Ram Patel, Aged About 65 Years

Respondents No.2 & 3 are Minor Through Natural Guardian Res. No.1, Yashoda Devi Patel,

All R/o Gram Pandripani, Police Station Balco Nagar, Tehsil And District Korba, Chhattisgarh

----Respondent

For Appellant	:	Abhijeet Mishra, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/09/2017**

1. Heard on I.A. No.1, which is an application for condonation of delay. Considering the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 5 days in filing the appeal stands condoned.
2. Present is an appeal under Section 30 of the Employee's Compensation Act assailing the award dated 23.06.2017, whereby the Commissioner for Employee's Compensation Act, Labour Court, Korba in Claim Case No. 17/E.C. Act/2014/Fatal has awarded a compensation of Rs.7,25,480/- with interest @ 12% per annum in case if the amount is not deposited within a period of 30 days.

3. The challenge is by the employer-Municipal Corporation Korba on the ground that the statutory provisions and the requirement under the Municipal Corporation has not been followed by the claimants and therefore the proceedings under the Employees Compensation Act without proper notice to the employer is not maintainable. Further he submits that inspite of a specific objection having being raised before the Labour Court, neither the Court has specifically dealt with the issue nor has it decided the same and therefore also the impugned order is bad in law and the same deserves to be set aside.
4. Having considered the impugned award and on perusal of the documents enclosed along with this appeal what is undisputed is: (i) the accident which occurred on 19.02.2014, (ii) as a result of the accident Dharam Lal Patel succumbed to the injuries sustained. The deceased Dharam Lal Patel being an employee under the Municipal Corporation Korba.
5. It is also not in dispute that the accident arose out of and in the course of employment. In view of the aforesaid admitted factual position of the case considering the fact that the provisions of the Employees Compensation Act being a beneficial social piece of legislation, this Court does not find the objections and the contentions raised by the appellant in the present appeal to be strong enough to vitiate the proceedings before the Labour Court nor would the same in any manner affect the ultimate claim of the widow and children of the deceased persons in the admitted factual matrix.
6. In view of the same, this Court is of the opinion that since there is no substantial question of law involved in the case, the appeal lacks merit and the same accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge