

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1336 of 2017

Mohit Ram Rajput S/o S/o Rajkumar Rajput Aged About 21 Years
R/o Village Kalmiduggu, Police Station Darri, Tahsil Katghora,
District Korba Chhattisgarh, Civil & Revenue District Korba

---- Appellant

Versus

1. Vandana Vidyut Limited Through Its General Manager, Vandana Vidyut Limited, Village Chhurikala, Tahsil Katghora, District Korba Chhattisgarh
2. Rukmani Infra Private Limited, Through Its General Manager, Vandana Vidyut Limited Village Chhurikala, Tahsil Katghora, District Korba Chhattisgarh

---- Respondents

For Appellant	:	Mr. Devesh Chandra Verma, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/09/2017

1. Heard on I.A. No.1, which is an application for condonation of delay.

For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 133 days in filing the appeal stands condoned.
2. Present is an appeal under Section 30 of the Workmen's Compensation Act filed by the appellant seeking compensation under the Employees Compensation Act, but which was rejected by the learned Commissioner for the Workmen's Compensation, Labour Court, Korba, Chhattisgarh, vide award dated 23.02.2017, in Claim Case No. 8/E.C. Act/2015. Vide the said impugned award, the learned Commissioner has rejected the claim application on the ground that since the accident had no connection with the nature of

employment and therefore it would not fall within the ambit of the provisions of the Employees Compensation Act.

3. The counsel for the appellant submitted that it was a case where the accident occurred after the duty hours of the claimant when he was going back to his house and en route he was hit by an unknown vehicle causing grievous injuries.
4. Very nature of the accident, itself would establish that there was no causal connection between the accident and the nature of employment which the appellant was performing. It is also a place where the place of accident was outside the premises where the appellant used to work. The appellant was substantively working as a Welder. The injury sustained was on account of a road accident.
5. Section 3 of the Employees Compensation Act specifically envisages the fact that the employer is liable to pay compensation only in the event if an injury or death is occurs, because of an accident, "arising out of and in the course of employment".
6. In the present case, it is hard to believe that the accident arose out of the employment. Even if the stretch it to the extent of the appellant being in the course of employment but that by itself would not make the claimant entitled for compensation under the Employees Compensation Act, unless it is established that the accident also arose out of the employment which he was discharging for the employer.
7. The opinion of this Court stands fortified from the decision of the Hon'ble Supreme Court in the case of ***"Regional Director ESI Corporation and Another Vs. Francis De Costa and Another,***

1996 (6) SCC-1 and is also supported from the subsequent decision of the Hon'ble Supreme Court in the case of ***"Mallikarjuna G. Hiremath v. Branch Manager, Oriental Insurance Company Limited & Another"*** AIR 2009 S.C. 2019.

8. In view of the aforesaid factual matrix of the case, this Court is of the opinion that no strong case has been made out by the appellant worth admitting the appeal and the appeal thus being devoid of substantial question of law, the same fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved