

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL NO. 159 OF 2005

Manager, Employees State Insurance Corporation, Local Office, Nandini Road, Bhilai, District Durg.

... Appellant

Versus

1. Kamdev, S/o Udhoram, age 28 years, R/o Khaparikala, Block Niron, District Raipur (C.G.)
2. The Dharamji Morarji Chemicals Company, Kumhari, through- Managing Director, District Durg (C.G.)
3. State Employees Insurance Court, Labour Court, Durg (C.G.)

... Respondents

For Appellant	:	Mr. Azad Siddique, Advocate.
For Respondents 1 & 2	:	Mr. Dashrath Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/07/2017

1. The present is an appeal under Section 82 (2) of the Employees State Insurance Act, 1940. Challenge in the present appeal is to the order dated 24.9.2004 passed by the Employees State Insurance, Labour Court, Durg, in Case No. 45/E.S.I./Misc./2003.
2. Vide the impugned award, the ESI Court has ordered for payment of a lump sum compensation of Rs.50,000/- to respondent no.1/employee in pursuance to an accident that took place on 21.7.1997. The accident arose when the respondent-employee is said to have been working under the contractor Mangal Das who was granted a contract of a work under the respondent no.2/establishment.
3. The ESI Court originally vide its order dated 29.7.2003 had passed an order granting of Rs.50,000/- as a lump sum compensation for the injury sustained by the respondent-employee. Subsequently, the ESI Corporation i.e. the Appellant, had filed a review petition, which was registered as Case No. 45/E.S.I./Misc./2003. The said review petition also

was rejected on 24.9.2004. It is then that the present appeal has been preferred assailing both the orders passed.

4. What is striking the conscious of this Court is the fact that accident in the instant case was of 21.7.1997 that is about more than 20 years ago. For the said accident and resultant injury, the respondent-employee has been granted a compensation of Rs.50,000/- only by the ESI Court vide impugned order dated 29.7.2003 and the review petition filed against the said order, has also been rejected. Taking into consideration the meagre amount of compensation awarded, this Court is constrained not to entertain the appeal on merits, for the reason that the appeal itself being of more than 14 years from the date of original order having been passed. The question involved in the instant case is whether the Court below was empowered to award a lump sum compensation under the provisions of the Employees State Insurance Act or not. We leave that issue, left open to be decided in an appropriate case at an appropriate time and only on account of the delay caused in the instant case this Court is refusing at this juncture to decide the issue. The appeal for the moment stands rejected of having become of only academic interest.

5. The appeal accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge