

HIGH COURT OF CHHATTISGARH, BILASPUR**M.A.(C) No.526 of 2012**

Union Of India through Sr. Divisional Personnel Officer SEC Railway, Bilaspur

---- Appellant

Versus

1. Smt. Bilkis Bano, W/o Late Afazal, Points Man/Operating/HRB, R/o Ward No.20, Adarsh Colony, Sarbabra Road, Pendra, Distt Bilaspur

2. Commissioner for Workmen's Compensation (Labour Court), Bilaspur (CG)

---- Respondents

For Appellant:	Shri HS Ahluwalia, Advocate.
For Respondent No.1:	Shri SP. Kale, Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

12.12.2018

Heard on admission.

1. This Miscellaneous Appeal has been preferred under Section 30 of the Workmen's Compensation Act, 1923 (for short 'the Act') against the award dated 01.03.2012 passed by the learned Commissioner, Workmen's Compensation (Labour Court), Bilaspur (for short 'the Commissioner') in Case No.37/WCA/COC-1-B/11 by which, the Commissioner, while awarding the amount of compensation, has imposed penalty upon the Appellant to the tune of Rs.50,000/-.

2. During the course of arguments, Shri HS Ahluwalia, learned Counsel for the Appellant submits that he is pressing the penalty part alone as imposed in the impugned award. He submits that the award, as passed by the learned Commissioner without considering the explanation for delay in its proper manner, has erred in imposing the penalty as such. According to him, there was an apprehension that the deceased has committed suicide and an enquiry was conducted in this regard which took more than one year and therefore,

the amount of compensation was not paid in time. Without considering the explanation in its proper manner, the Court below has erred in imposing the penalty upon the Appellant.

3. I have heard learned Counsel for the Appellant and perused the entire record carefully.

4. Undisputedly, the deceased who was performing his duty on 21.04.2010 has died during the course of his employment. The employer was duty bound to deposit the amount of compensation within a period of one month from the date of the said incident. However, the said amount was deposited only on 03.06.2011 i.e. much after the prescribed period of one month and in fact it was deposited after more than one year and two months.

5. Perusal of the record would show that a show cause notice was issued by the learned Commissioner on 15.12.2011 to the employer and in reply to the said notice, it was submitted that there was an apprehension regarding the death of the said employee as he might have committed suicide. In order to justify the same, the burden was heavily upon the employer to establish this fact. However, the same has not been established by way of cogent and reliable evidence. In such an eventuality, the Court below has rightly come to the conclusion that sufficient justification was not given by the employer in depositing the amount of compensation on 03.06.2011.

6. Consequently, I do not find any question of law, much less the substantial questions of law which arise for determination in this Appeal. Accordingly, the Appeal being devoid of merits is hereby dismissed at the admission stage itself. There shall be no order as to costs.

Sd/-
(Sanjay Agrawal)
Judge