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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 369 of 2012**

Manager, Panabaras Project (Pariyojna), Van Vikas Nigam Mohala,
District Rajnandgaon Chhattisgarh

---- Appellant**Versus**

1. Satti Bai, W/o. Amer Singh, Aged about 33 years, R/o. Village Urwahi, Police Station and Tahsil Mohala, District Rajnandgaon Chhattisgarh
2. Ketan Kumar Patel, S/o. Late P.S. Patel, R/o. Dalli Rajhara, District Durg (Now District Balod) Chhattisgarh
3. Amaru Ram Sahu, S/o. Pachu Ram Sahu, Aged about 32 years, R/o. Kapsi, Police Station Lohara, District Durg (Now District Balod) Chhattisgarh
4. Smt. Gurucharan Kaur, W/o. Mahendar Singh, Aged about 60 years, R/o. Chandeni Bhatha, Dalli Rajhara, District Durg (Now District Balod) Chhattisgarh
5. The Oriental Insurance Company Limited, Branch Office Kamthi Line, Rajnandgaon, Chhattisgarh

---- Respondents

For Appellant	:	Mr. B.L. Sahu, Advocate under instructions of Mr. A.S. Kachhawaha, Advocate
For Respondent No.3	:	Mr. Pallav Mishra, Advocate under instructions of Mr. R.N. Pusty, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/02/2018**

1. The present is an appeal under Section 30 of the Workmen's Compensation Act. Challenge is to the award dated 05.01.2012, passed by the Commissioner for Workmen's Compensation, Labour Court, Rajnandgaon, Chhattisgarh, in Case No. 71/W.C.Act/2006/Fatal.
2. Vide the impugned award, the learned Commissioner in a death case has awarded a compensation of Rs.3,94,120/- with interest @ 10% per annum from the date of application.

3. The brief fact of the case is that the husband of the Claimant late Amer Singh was working as a labour at Panabaras Project of the appellant at Rajnandgaon. The deceased was engaged by the appellant through the labour contractor-respondent No.2 Ketan Kumar Patel, who used to supply labours to the appellant-corporation for the loading and unloading work.
4. On 04.06.2006 in the course of loading, the deceased met with an accident, to which he later succumbed. The family members filed a claim application for compensation under the provisions of the Workmen's Compensation Act, which stood decided by the impugned award.
5. The Labour Court while passing the impugned award had exonerated the Insurance Company of its liability, which had insured the Truck, in which the goods were being loaded when the accident occurred and fastened the liability of payment of compensation upon the present appellant-the corporation, of whose work the deceased was undertaking when the accident occurred.
6. The counsel for the appellant submits that fastening of liability upon the appellant-corporation is erroneous and perverse in as much as the Labour Court ought to have appreciated the fact that the deceased in the instant case was not a direct employee of the appellant-corporation, but was an employee of the respondent No.2- Ketan Patel and therefore if at all the compensation has to be paid, the same should be on the respondent No.2 rather than the appellant. He further submits that the Labour Court has further erred in not considering the fact that the accident occurred while the goods were being loaded on the Truck and since the Truck was duly

insured, the liability also should have been upon the Insurance Company which had insured the Truck. This Court does not find both these arguments strong enough to interfere with the impugned award which has been passed under the provisions of the Workmen's Compensation Act.

7. Section 30 categorically envisages the fact that for the purpose of challenging an award of the Commissioner for Workmen's Compensation there has to be a substantial question of law involved. The two grounds raised by the appellant are both finding of facts.
8. The admitted factual matrix of the case is that the premises where the accident occurred was that of the appellant. It is also not in dispute that the work which was being carried out by the deceased was also assigned by the present appellant. Thus the employment and the place of accident both stands established. It is also not in dispute that the deceased met with an accident in the course of loading of the goods into the Truck engaged for transportation. Thus, it is also established that the accident occurred out of and in the course of employment, which is the paramount requirement for a claim case under the provisions of the Workmen's Compensation Act.
9. In the light of the aforesaid undisputed factual matrix of the case, this Court has no hesitation in reaching to the conclusion that the liability of payment of compensation has been rightly fastened upon the appellant-corporation in as much as the Truck was not in use when the accident occurred so as to direct the Insurance Company of the Truck to indemnify the present appellant or the Owner of the Truck. The accident occurred while the work of the appellant was being

executed by the deceased. The respondent No.2 was only a contractor, who was supplying labours to the corporation and the work was not being executed by the respondent No.2.

10. Giving the facts and circumstances of the case, this Court does not find any strong case calling for interference with the impugned award.

11. The appeal thus stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved