

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 450 of 2012**

1. Smt. Patang Bai Wd/o late Shri Chandra Ram Sarathi, aged about 36 years.
 2. Mahesh Ram S/o Late Shri Chandra Ram Sarathi, aged about 13 years, minor through mother Smt. Patang Bai (Applicant No.1.)
 3. Ragani D/o Late Shri Chandra Ram Sarathi, aged about 3 years, minor through mother Smt. Patang Bai (Applicant No.1.)
 4. Bhajeram S/o Late Shri Mohan Ram, aged about 95 years.
 5. Smt. Ratan Bai W/o Shri Bhajeram, aged about 82 years.
- All R/o Dumarmuda, Gopalpur, Tah.- Katghora, Dist. Korba C.G.

---- Appellants**Versus**

1. C.G. Forest Development Corporation through the Chief Director, C.G. Forest Development Corporation, Head Quarter Raipur (CG).
2. C.G. Forest Department Through-The D.F.O. Korba, Forest Division Korba C.G.
3. The Government Of Chhattisgarh, Forest Development, Through-The Deputy Ranger, Forest Development Corporation, Korba, Dist. Korba C.G.

---- Respondents

For Appellants	:	Shri Samir Singh, Advocate.
For Respondent No.1	:	Shri B.L. Sahu, Advocate on behalf of Shri A.S. Kachhwaha, Advocate.
For State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****04.01.2018**

1. The present appeal under Section 30 of the Employee's Compensation Act, 1923, has been filed by the appellants assailing the award dated 06.02.2012 passed by the Commissioner for Employee's Compensation, Labour Court, Korba (in short, the Commissioner) in case No.41/WC Act/2010/Fatal. Vide the said impugned award, the Commissioner has rejected the claim application of the appellant-claimants.
2. The contention of the appellants is that the claim application has been rejected only on account of typographical error on the part of claimants

while moving claim application wherein instead of 30.06.2009 to be the date of accident, they have referred the date of accident as 01.07.2009 and therefore, the accident could not be sufficiently proved before the Commissioner and the Commissioner has rejected the claim application.

3. The counsel for the appellants submits that the provisions of Employee's Compensation Act is a liberal piece of legislation and that the Commissioner ought to have taken a more pragmatic view and practical approach and should have permitted the claimants to carry out necessary amendment or correction to be made in the claim application so also in the pleadings with which the claim application would have been maintainable and the family members of the deceased could have received the compensation which they were otherwise legally entitled for. He further submits that there are sufficient material and document to prove the date of death of the deceased to have taken place on 30.06.2009 and not on 01.07.2009 and that it was a pure typographical/clerical error which had occurred on the part of the claimants while moving claim application before the Commissioner.
4. Given the facts and circumstances of the case, this court is of the opinion that ends of justice would meet if the impugned award dated 06.02.2012 is set aside and the matter is remitted back to the Commissioner for a fresh adjudication altogether with liberty to the claimants to carry out necessary amendment and to establish their case by leading cogent evidence in support of their claim.
5. It is ordered accordingly.
6. The impugned award dated 06.02.2012 stands set aside and the matter is remitted back to the Commissioner, Labour Court, Korba for a fresh

adjudication.

7. Since the parties are present, they are directed to remain present before the Commissioner, Labour Court, Korba, on 06.02.2018 and thereafter the Commissioner shall proceed and decide the matter afresh giving opportunity to the claimants to carry out necessary amendment in the claim application and to lead appropriate evidence afresh, if any.

Sd/-
(P.Sam Koshy)
Judge

inder