

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CMA.No. 274 of 2005

J U D G M E N T:

This appeal is filed questioning the order dated 25.10.2004 in WC.No.32 of 1998 passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-I, Warangal.

The case pertains to death of a worker, who died in underground mine belonging to the present appellant Singareni Collieries Private Limited. The case of the appellants is that on 29.08.2007 the deceased, while working in an underground mine collapsed and died. He stated that the death was due to the stress and strain of employment as also inhalation of poisonous gas in the mine. Respondents have denied the entire case and the matter went to trial. After examining the entire oral and documentary evidence, lower Court came to a conclusion that deceased died due to accident arising out of and in the course of employment and awarded the compensation.

The appellants-Singareni Collieries filed the appeal in 2005 questioning the order. When this matter was taken up for hearing, learned counsel for the respondents brought to the notice of this Court a judgment reported in ***Singareni Collieries Co., Ltd., Sreerampur, Mandal Mancherial,***

Adilabad District and another v. Arkati Gattu Mallu and others¹ passed by a learned single Judge of this Court in CMA.No.884 of 2005, wherein the present appellant is also appellant. In that case also, the employee died in the course of his employment while working in the mines belonging to the appellant. Learned single Judge, after examination of the entire material on record, came to the conclusion that there is proximate nexus between the cause of death and the arduous nature of work undertaken by the workers in an open mine.

This Court is of the opinion that this case is also squarely covered by what has been decided by learned single Judge of this Court.

Both the counsel did not also really dispute this fact.

Therefore, this Court holds that the judgment relied on by the learned counsel for the respondents applies to the facts and circumstances of this case. Hence, the appeal is dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this appeal shall stand closed.

D.V.S.S.SOMAYAJULU,J

Date: 20.04.2018
KLP

¹ 2016 (2) ALD 525