

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPL No. 137 of 2017

- M/s S. K. Industries Aged About 42 Years Through Its Properitor Sachin Khandelwal S/o Kishan Khandelwal, Dhamdha Raod, Chikhali, Thana- Pulgaon, R/o Durg, Tehsil & District- Durg, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, General Administration Department Mahanadi Bhawan, Mantralay, New Raipur, Chhattisgarh.
2. Smt. Kalyani W/o Late Shri Lalit Mandavi R/o Chikhali, Police Station – Pulgaon, Tahsil and District – Durg, Chhattisgarh.
3. The Divisional Manager, IFFCO – Tokio Insurance Company Ltd. Third Floor, Shop No. 345,347, Lalganga Shopping Mall, G.E. Road Raipur, Tahsil and District- Raipur, Chhattisgarh.
4. The Commissioner For Employees Compensation Act, Labour Court Durg, District- Durg, Chhattisgarh.

---- Respondents

For Petitioner	:-	None
For Respondent-State	:-	Ms Fouzia Mirza, Additional A.G.

Order On Board

By

Shri Prashant Kumar Mishra, J.

18/07/2019

1. Challenge in this writ petition is to the *ex-parte* award dated 03.04.2017 passed by the Commissioner Workmen's Compensation cum Labour Court, Durg, allowing compensation of Rs.03,79,592/- in favour of the respondent/claimant under the Workmen's Compensation Act, 1923.
2. The award under challenge is appealable under Section 30 of the Employee's Compensation Act, 1923 (for short 'the Act, 1923'), however, this writ petition is preferred on the ground that Labour Court, Durg has no jurisdiction to function as Commissioner for Workmen's Compensation as the Court has not been notified under Section 20 of the Act, 1923.
3. A similar ground of challenge has been negated by this Court today while deciding the case of **Ramlal Sonkar vs. Smt. Sonapuhle Salma and others** in WP No. 203 of 2005, therefore, the challenge to the award on the said ground does not survives.
4. In view of the above, the present writ petition is dismissed reserving liberty in favour of the petitioner to prefer an appeal under Section 30 of the Act, 1923.

5. Copy of the order passed in the matter of **Ramlal Sonkar** (supra) be placed in the record of the writ petition.

Sd/-
(**Prashant Kumar Mishra**)
Judge

Ankit