

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 1527 of 2014

- P.K. Naidu S/o Shri Krishna Swami Naidu Aged About 73 Years R/o C-Market, Sector-1, Bhilai, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. Sadhelal Kosle S/o Parghaniya Kosle Aged About 38 Years R/o Village Mohtara, Post Deurgaon, Police Station and Tahsil Saja, District Durg, Chhattisgarh.
2. Smt. Rambha Bai W/o Shri Sadhelal Kosle Aged About 35 Years R/o Village Mohtara, Post Deurgaon, Police Station and Tahsil Saja, District Durg, Chhattisgarh.
3. The Managing Director, Madhya Pradesh Grih Nirman Mandal, Wood Working Centre, Industrial Area, Bhilai, Tahsil and District Durg, Chhattisgarh.
4. The Managing Director Chhattisgarh Rajya Grih Nirman Mandal, Wood Working Centre, Industrial Area, Bhilai, Tahsil & Dist Durg, Chhattisgarh.
5. The State of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan Mantralaya, New Raipur, Chhattisgarh.
6. The Commissioner For Employees Compensation Act, Labour Court, 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 petition is to the award passed by the Commissioner for Workmen's Compensation, Labour Court, Durg on 31.05.2014 allowing compensation of Rs.2,94,294/- in favour of the respondent Nos.1 & 2, herein.
2. The impugned award is appealable under Section 30 of the Workmen's Compensation Act, 1923, however, the writ petition has been preferred on the ground of lack of jurisdiction of the Labour Court, Durg to function as Commissioner for Workmen's Compensation. The issue of jurisdiction of the Labour Courts in the State of Chhattisgarh to function as Commissioner Workmen's Compensation has already been decided against the petitioner while deciding **Ramlal Sonkar vs. Smt. Sonapuhle Salma and others in WP No. 203 of 2005**, which has been decided today itself. Thus the award cannot be set aside on the ground of lack of jurisdiction of the Labour Court.
3. Accordingly, the writ petition is dismissed with liberty in

favour of the petitioner to avail alternative remedy to prefer appeal under Section 30 of the Workmen's Compensation Act, 1923 now known as "Employee's Compensation Act, 1923.

4. 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