CGHC010040932023 2026:CGHC:46272

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 204 of 2023

Ram Kumar Dubey S/o Late Sumeshwar Prasad Dubey Aged About 52 Years R/o Amakherwa, Manendragarh, P.S. And Tahsil- Manendragarh, District- Korea, Chhattisgarh

... Appellant

versus

Chhattisgarh State Electricity Distribution Company Maryadit, Manendragarh Through Executive Engineer/divisional Engineer, Amakherwa, Manendragarh, P.S. And Tahsil- Manendragarh, District- Korea, Chhattisgarh

... Respondent

For Appellant/Respondent	**:**	Mr. Priyanshu Ojha, Advocate.
For Respondent/Appellant	**:**	Mr. Harshal Chouhan Advocate on behalf of Mr. Mayank Chandrakar, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Judgment On Board

02.11.2026

1. Mr. Priyanshu Ojha, learned counsel, appearing for the appellant.

2. Mr. Harshal Chouhan, learned counsel, on behalf of Mr. Mayank Chandrakar, learned counsel, appearing for the respondent.

3. The present appeal has been preferred under Section 30 of the Employees' Compensation Act, 1923 (for short, "the Act of 1923"), challenging the award dated 02.11.2022 passed by the Commissioner for Employees' Compensation-cum-Labour Court, Manendragarh, District Koriya (C.G.), in Case No. 11/W.C.Act/2017 (N.F.).

4. By the impugned award, the learned Commissioner against the claim of Rs. 9,82,280/- has awarded compensation of Rs. 2,32,280/- along with interest at the rate of 9% in favour of the appellant/claimant on account of the injuries and permanent disablement sustained by him in an accident that occurred on 25.09.2009, arising out of and in the course of his employment with the respondent.

5. The appellant/claimant had filed an application under Section 10 read with Section 22 of the Act of 1923, claiming compensation of Rs. 9,82,280/- on account of the injuries and permanent disablement sustained by him in the aforesaid accident. According to the appellant/claimant, he sustained severe injuries, including permanent disablement, in the said accident and remained hospitalized for a considerable period. He incurred medical expenses amounting to Rs. 6,34,000/-, out of which an amount of Rs. 4,01,877/- was reimbursed to him by the Department. The remaining amount of Rs. 2,32,280/- was not paid. Apart from the aforesaid amount, he also claimed compensation of Rs. 5,00,000/- on account of permanent disablement and Rs. 2,50,000/- towards future medical treatment.

6. The claim application was contested by the respondent by filing a written statement, wherein it was contended that the appellant/claimant had not sustained any permanent disablement. It was further contended that no relevant representation or documents had been submitted in support of his claim for compensation on account of permanent disablement. As regards the remaining medical expenses, it was submitted that the appellant could submit a fresh application after removing the defects in the earlier application. It was also contended that no notice under Section 80 of the Code of Civil Procedure had been issued. Accordingly, dismissal of the claim application was sought.

7. The learned Commissioner framed the issues and, upon consideration of the evidence available on record, awarded compensation of Rs. 2,32,280/- towards the remaining medical expenses submitted by the appellant/claimant.

8. This Court vide order dated 24.08.2026 has admitted the appeal on the following substantial question of law:

> *"Whether amount of compensation granted by Commissioner, Employees' Compensation-Cum-Labour Court, Manendragarh, District Koria is on lower side considering the injuries sustained by the appellant/injured?"*

9. Learned counsel for the appellant/claimant submits that the amount of compensation awarded by the learned Commissioner is on the lower side. It is contended that the appellant had suffered 62% permanent disablement, for which a disability certificate, Exhibit A-12, was also filed and exhibited. However, the same has been erroneously disbelieved by the learned Commissioner. It is further contended that compensation under other relevant heads has also not been awarded. Accordingly, it is prayed that the substantial question of law be answered in the affirmative in favour of the appellant and the compensation be suitably enhanced.

10. Per contra, Mr. Harshal Chouhan, learned counsel for the respondent, supports the impugned award and submits that the disability certificate has not been proved in accordance with law. It is further submitted that certain medical bills submitted by the appellant were found to be defective and were, therefore, returned to him. Accordingly, the learned trial Court has rightly disbelieved the disability certificate, and the award

passed by the learned trial Court does not warrant any interference by this Court.

11. Having heard learned counsel for the parties and having perused the record.

12. This Court finds that the learned Commissioner has not awarded any compensation on account of the permanent disablement sustained by the appellant/claimant. The disability certificate issued by the District Medical Board, Baikunthpur, District Koriya, indicates 60% permanent disablement of the right hand. However, the same has been disbelieved by the learned Commissioner on the ground that the author of the said document was not examined. The proceedings under the Act of 1923 are in the nature of beneficial legislation and the claim of an injured employee is required to be considered in a manner that advances the object of the legislation. Although no evidence has been led to examine the author of Exhibit A-12, the opinion expressed in the said disability certificate ought to have been considered by the learned Commissioner. The learned Commissioner could have either summoned the concerned witness or directed the appellant/claimant to produce and examine the person who had issued the said certificate.

13. In the circumstances, the appellant/claimant ought not to be deprived of his legitimate claim for compensation, to which he may otherwise be entitled, merely on account of technical deficiencies in the matter of proof of the disability certificate.

14. Accordingly, instead of finally deciding the matter on merits, this Court is inclined to remit the matter to the learned Commissioner, Workmen's Compensation, Labour Court, Manendragarh, District Korea (C.G.), in Case No. 11/W.C. Act/2017 (N.F.), granting an opportunity to the

appellant/claimant to examine the concerned witness afresh for the purpose of proving the disability certificate (Exhibit A-12). Thereafter, the learned Commissioner shall proceed to decide the claim for compensation afresh, in accordance with law.

15. The compensation already awarded under the head of medical expenses shall not be disturbed by the learned Commissioner. However, the learned Commissioner shall consider whether any further compensation is payable to the appellant/claimant on account of the permanent disablement sustained by him, as reflected in Exhibit A-12.

16. With the aforesaid observations and directions, the appeal is **allowed in part**.

17. The substantial question of law is answered in the affirmative in favour of the appellant/claimant.

18. The parties shall appear before the learned Commissioner for Employees' Compensation on **23.12.2026**. Thereafter, the learned Commissioner shall proceed with the matter and pass an appropriate order after affording due opportunity of hearing to both the parties.

19. Any amount paid by the respondent to the appellant/claimant shall not be recoverable from the appellant/claimant.

Sd/-
(Sachin Singh Rajput)
Judge

Abhishek