HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 3124 of 2026

Smt. Sarita Devi And Another

.....Appellant(s)

Versus

Divisional Railway Manager-East Central Railway Kasturba

.....Respondent(s)

Counsel for Appellant(s)	:	Ashutosh Ganguli, Pranab Kumar Ganguli
Counsel for Respondent(s)	:	Om Prakash Mishra, A.S.G.I.

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Heard Sri Ashutosh Ganguli, learned counsel for appellant and Sri Om Prakash Mishra, learned counsel appearing on behalf of Respondent-Union of India.

2. This appeal under Section 30(1) of the Employees' Compensation Act, 1923, has been preferred by the appellant against the impugned award dated 01.10.2026 passed by the Deputy Labour Commissioner-cum-Employees' Compensation Commissioner, Varanasi, in Case No. DCA/ECA/393969 of 2026, Smt. Sarita Devi and Another v. DRM, whereby compensation of Rs.52,02,063/- along with interest at the rate of 12% per annum has been awarded.

3. Learned counsel for the appellant submitted that initially, an ex parte award of Rs.10,16,700/- was passed by the learned Commissioner. It was submitted that the evidence available on record was not considered and the appellant was not provided an opportunity of hearing before passing the earlier award dated 29.12.2023. Against the said award, the appellants preferred Writ-C No. 44795 of 2025, Sarita Devi v. Union of India and Three Others. It was further submitted that, in paragraphs 23 and 24 of the judgment dated 27.02.2026 passed by the coordinate Bench of this Court in the aforesaid writ petition, the learned Commissioner was specifically directed to consider the fact that State employees, particularly those working in the Electricity Department, perform hazardous duties which may even pose a threat to their lives.

4. In the present case also, the deceased, who was working as a Senior Technician, suffered electrocution while he was on a ladder repairing an electrical fault in a transformer. However, the learned Commissioner has failed to consider the judgment passed by this Court in the aforesaid writ petition.

5. Learned counsel for the respondents submitted that the order passed by the learned Commissioner does not suffer from any infirmity. It was further submitted that the directions issued by the coordinate Bench of this Court were duly considered by the learned Commissioner and were not overlooked. The initial award of Rs.10,16,700/- has been enhanced, and compensation of Rs.52,02,063/- has now been awarded to the claimants.

6. Heard learned counsel for the parties and perused the finding recorded by Deputy Labour Commissioner-cum-Employees' Compensation Commissioner, Varanasi.

7. From the foregoing discussion, it is evident that the learned Commissioner has enhanced the compensation from Rs. 10,16,700/- to Rs.52,02,063/- after reconsideration of the matter. The appellant has failed to demonstrate that the impugned award suffers from any legal infirmity warranting interference by this Court.

8. It is further settled that an appeal under Section 30 of the Employees' Compensation Act, 1923, is maintainable only when a substantial question of law is involved. In the present case, no substantial question of law arises for consideration.

9. Accordingly, the appeal is devoid of merit and is liable to be dismissed.

October 28, 2026
Mukesh

(Anil Kumar-X,J.)

Digitally signed by :-
MUKESH SRIVASTAVA
High Court of Judicature at Allahabad