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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 230 of 2026**

1 - Geeta Goswami S/o Late Lallu Goswami Aged About 74 Years R/o Sadar Road, Police Station And Tahsil Ambikapur, District- Surguja (C.G.)

2 - Ravi Mohan Goswami S/o Geeta Goswami Aged About 45 Years R/o S-1 N-1 Vasundhra Vihar Colony, Ambikapur District- Surguja (C.G.)

... Appellant**versus**

1 - Smt. Lakshmaniya W/o Late Sohan Ram Aged About 41 Years R/o Village Parsa Tahsil Ambikapur District- Surguja (C.G.) (Claimant No 1)

2 - Pawan Kumar Rajwade S/o Late Sohan Ram Aged About 25 Years R/o Village Parsa Tahsil Ambikapur District- Surguja (C.G.) (Claimant No 2)



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3 - Saheli Rajwade D/o Late Sohan Ram Aged About 24 Years R/o Village Parsa Tahsil Ambikapur District- Surguja (C.G.) (Claimant No 3)

4 - Brijwal Rajwade Late Sohan Ram Aged About 22 Years R/o Village Parsa Tahsil Ambikapur District- Surguja (C.G.) (Claimant No 4)

5 - United India Insurance Company Limited Through Branch Manager Brahma Road Near Kumkum Hotel Ambikapur District- Surguja (C.G.) (Insurer Of Appellants Plant)

... Respondent(s)

(Cause title taken from CIS)

For Appellants : Shri Anurag Singh, Advocate.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

22/01/2026

1. This appeal under Section 30 of the Workmen Compensation Act has been filed by the appellants (non-applicants No.1 & 2) being aggrieved by the order dated 12.12.2025 passed by Commissioner (Workmen Compensation Act)/Labour Court, Ambikapur, District Surguja (C.G.) passed in Case No. 16/E.C.ACT/2019 (Fatal).



2. Respondent Nos.1 to 4, who are the wife and children of Sohan Ram (since deceased) filed a claim petition before the learned Commissioner, Workmen's Compensation / Labour Court, Ambikapur, pleading, inter alia, that the deceased was working in the crusher plant of non-applicant No.2 on daily wages basis i.e. @ Rs.500/- per day. On 16/3/2019 during discharging the duties by the deceased, he crushed to death owing to debris of rocks & earth. According to the claimants, after the date of incident, when they approached the non-applicants No.1 & 2 for compensation, they have not paid any attention towards the said request. Therefore, the claimants sought for compensation to the tune of Rs.5,03,000/- along with interest at the rate of 12% per annum from the non-applicants.
3. The non-applicants No.1 & 2/appellants herein submitted their reply and denied the contents of the claim petition. They stated that the deceased, Sohan Ram, was never employed as a labourer at the crusher of Non-Applicants No. 1 and 2, nor did his death occur due to any accident at their crusher. Apart from the crusher of Non-Applicants No. 1 and 2, another crusher is operating in Village Rajpuri, and two more crushers



are located within a distance of about half a kilometer. It is, therefore, evident that the deceased might have been working at some other crusher and not at the crusher of Non-Applicants No. 1 and 2. In such circumstances, Non-Applicants No. 1 and 2 are not liable to pay any compensation to the applicants. However, if the liability for compensation is found to be attributable to Non-Applicant No. 2, then the labourers were duly insured with United India Insurance Company Limited.

4. The non-applicants No.3/respondent No. 5 herein submitted its reply and stated that the deceased, Sohan Ram, did not die during the course of employment and his death occurred due to his own negligence. The applicants have not disclosed which mine or crusher the deceased was working at, nor have they produced any proof that the deceased was an insured employee. No claim or intimation regarding the death was ever submitted by Non-Applicants No. 1 and 2 to Non-Applicant No. 3 (the Insurance Company), nor was any information received from the Labour Officer. In the absence of any document proving that the deceased was a workman of the insured establishment or that his death falls within the



insurance coverage, and as the applicants are not proved to be the dependents or legal heirs of the deceased and as such it is also not liable to pay any compensation.

5. The learned Commissioner, after recording evidence led by the parties and upon hearing them, vide impugned award dated 12.12.2025, allowed the claim petition and awarded compensation to the tune of Rs. 5,28,684/- in favour of the claimants. The learned Commissioner fastened the entire liability of compensation upon non-applicant No.3/respondent No. 5 Insurance Company and further imposed penalty to the extent of 25% of the awarded amount upon the present appellants/non-applicants No.1 & 2 under Section 4A(3)(b) of the Employees' Compensation Act, 1923.
6. Learned counsel for the appellants/non-applicants No. 1 & 2 submits that the imposition of penalty U/s 4A (3) (b) of Employees Compensation Act 1923 will not be attracted as the learned Labour Court recorded a perverse finding that the deceased was under the employment of appellants.
7. I have heard learned counsel for the appellant and perused the documents.



8. Upon careful perusal of the entire record, including the pleadings, oral and documentary evidence adduced by the parties, and the impugned award, this Court finds no illegality, infirmity, or perversity in the findings recorded by the learned Commissioner.
9. From the evidence on record, particularly the testimony of NAW-3 Kundan Kumar Mishra, Divisional Manager of the Insurance Company, and the insurance policy (Ex. D-1), it stands clearly established that M/s Ravi Stone Crushing Industries had obtained a valid insurance policy covering four employees, including one skilled and three unskilled labourers, for the period relevant to the accident i.e. 29.09.2018 to 28.08.2019. The policy expressly covers risks arising out of crushing and allied activities. Despite such coverage, the employer failed to produce any employee-wise list or documentary evidence to demonstrate that the deceased Sohan Ram was not among the insured workers. In the absence of such evidence, the learned Commissioner has rightly drawn an adverse inference against the employer.
10. The appellants/Non-applicants No. 1 & 2 failed to prove that the deceased was not under their employment. They have



failed to produce any documentary register or paper showing who were the actual labourers or employees who were engaged on the said date.

11. The oral evidence of AW-1 Laxmaniya Rajwade, the widow of the deceased, clearly proves that the deceased was working under non-applicant/appellant No. 2 herein at the relevant time and met with a fatal accident while performing duties relating to stone breaking and crushing. Her testimony has remained consistent and trustworthy and stands duly corroborated by the post-mortem report (Ex. P-3), which confirms that the death was accidental in nature caused by multiple injuries. The defence taken by the non-applicants/appellants herein that the husband of Applicant No. 1, namely the deceased Sohan Ram, died due to some other incident, has not been proved on record and remains unsubstantiated. It stands proved that on the date of the incident i.e., 16.03.2019, the deceased Sohan Ram Rajwade was employed under Non-Applicant No. 2 and was engaged in the work of mineral handling, storage and stone breaking/crushing under "Ravi Stone Crushing Industries", during the course of which he met with an accident resulting in his death.



12. Upon appreciation of the evidence, it is conclusively proved that the accident occurred in the course of and arising out of employment, thereby attracting the statutory liability under the Employees' Compensation Act, 1923. The learned Commissioner has applied the correct legal principles. The findings recorded are based on proper appreciation of evidence and do not suffer from any error of law or jurisdiction. Thus, this Court is of the considered opinion that the impugned award passed by the learned Commissioner imposing penalty upon employer under Section 4 A (3) (b) of Act 1923 is just, legal, and proper and does not call for any interference.
13. In view of the foregoing discussion and findings, this Court finds no merit in the present appeal. Accordingly, the same is liable to be and is hereby dismissed at the motion stage itself.

Sd/-

(Bibhu Datta Guru)
Judge

Gowri/Shoaib