



2026:CGHC:28521



CGHC010166862020



2026:CGHC:28521

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 964 of 2020

1 - Adhin Ram Sinha S/o Hriday Ram Sinha Aged About 50 Years Occupation - Contractor R/o Behind Bhagwati Atta Chakki, Sangam Chowk, Tulsipur District - Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

... Appellant

versus

1 - Sahni Ram Sahu S/o Rama Sahu R/o - Dilapahri, Police Station - Lalbagh Tehsil And District - Rajnandgaon Chhattisgarh. (Claimant), District : Rajnandgaon, Chhattisgarh

2 - National Insurance Company, Through Divisional Manager, Division Office, Division Office - Akash Ganga, Supela, Bhilai District - Durg Chhattisgarh., District : Durg, Chhattisgarh

... Respondents

(Cause title, as taken from CIS)

For Appellant	:	Mr. Punit Ruparel, Advocate
---------------	---	-----------------------------

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

09/07/2026

1. Heard on admission.
2. The appellant/employer has preferred this appeal under Section 30 of



the Employees' Compensation Act, challenging the impugned order dated 13.03.2020 passed by the Commissioner- cum- Labour Court, Rajnandgaon in Case No. 46/W.C. Act/2008/Fatal, whereby the appellant has been directed to pay a penalty of 30% of the compensation amount i.e. Rs.99,616/- under the provisions of the Act.

3. This is the second round of litigation between the parties. Earlier, by filing MAC No.212/2012, the appellant had challenged the order dated 16.12.2011 passed by the Commissioner, Workmen's Compensation, Labour Court, Rajnandgaon (CG) in Case No.46/W.C. Act/2008/Fatal, whereby a penalty of Rs.99,616/- was imposed upon the appellant/employer. The said appeal was allowed by this Court vide order dated 25.08.2014, and the matter was remanded to the Commissioner, Workmen's Compensation, with a direction to pass a fresh order after following statutory mandate of Section 4A of the Workmen's Compensation Act, 1923 (hereinafter referred to as "the Act, 1923"). Pursuant to the remand, the learned Commissioner, after providing due opportunity of hearing to the appellant/employer, passed the impugned order dated 13.03.2020 in Case No.46/W.C. Act/2008/Fatal, directing the appellant/employer to pay a penalty of 30% of the compensation amount i.e. Rs.99,616/- out of the total compensation of Rs.3,32,055/- to the respondent No.1 herein/claimant. Aggrieved thereby, the appellant/employer has preferred the present appeal.
4. Learned counsel for the appellant/employer submits that after the death of late Punit Ram Sahu, the appellant had paid a sum of Rs.26,000/- to respondent No.1, Sahni Ram Sahu, who is father of the deceased, towards the expenses incurred for performing last rites of



the deceased employee - Punit Ram Sahu. In this regard, respondent No.1, Sahni Ram Sahu, is stated to have executed an Ikrarnama (Ex. D-1). He further submits that the learned Commissioner has declined to accept veracity of aforesaid document without assigning any cogent reason. Hence, learned counsel prays that the proposed substantial questions of law be framed and the appeal may be admitted for hearing.

5. I have considered the submissions made by learned counsel for the appellant and perused the impugned order as well as the original record.
6. A perusal of the impugned order and original record of the Commissioner - cum- Labour Court shows that an Ikrarnama (Ex. D-1) was executed by respondent No.1-Sahni Ram Sahu, who is father of the deceased -Punit Ram Sahu in respect of alleged payment of Rs.26,000/- received by him. This fact has also been stated by appellant/employer, Adhin Ram Sinha, in his affidavit statement filed under Order XVIII Rule 4 of the Code of the Civil Procedure (for short "CPC"). However, no question regarding the alleged payment or execution of the Ikrarnama (Ex. D-1) was put to respondent No.1, Sahni Ram Sahu, during his cross-examination. Moreover, the deceased Punit Ram Sahu died on 10.08.2006, whereas the alleged Ikrarnama (Ex. D-1) is dated 01.09.2006. By that time, the last rites of the deceased had already been performed. Therefore, the document does not satisfactorily establish that the amount of Rs.26,000/- was paid towards the expenses of the last rites, as claimed by the appellant.
7. Having considered the aforesaid facts, this Court does not find any perversity or illegality in the impugned order passed by the



Commissioner imposing a penalty of 30% upon the appellant/employer in terms of the proviso to Section 4 A (3)(b) of the Act, 1923. As such, no substantial questions of law is found to be framed.

8. Consequently, the present appeal, being devoid of merit, is **dismissed at the motion stage.**
9. The original record of the concerned Labour Court be returned forthwith.

Sd/-
(Naresh Kumar Chandravanshi)
JUDGE