



2026:CGHC:6449

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 2061 of 2023**

The Oriental Insurance Company Limited Office At Madina Manjil, Katchari Chowk, Jail Road, Raipur, District- Raipur, C.G, Through Manager, Oriental Insurance Company Limited, Branch Office, Infront Of Rajeev Plaza, Old Bus Stand, Bilaspur,district- Bilaspur, Cg

**... Appellant(s)**

**versus**

1. Pradeep Kumar Kosle S/o Late Firanta Ram Kosle Caste- Satnami, R/o Village- Nakta, Police Station- Mandir Hasaud, District- Raipur, C.G. (Claimant)

2. Smt. Anju Baghel W/o Late Devraj Baghel, Proprietor Of Bhaiya Lal And Sons, Through Kanishka And Brothers, Mandir Hasaud, Post And Police Station- Mandir Hasaud, District- Raipur,C.G.

3. Managing Director Miwan Steel Limited, Mandir Hasaud,, District : Raipur, Chhattisgarh

4. Bhiaya Lal And Sons Through Monet Ispat And Energy Limited, Mandir Hasaud,, District : Raipur, Chhattisgarh

**... Respondent(s)**

***(Cause title taken from CIS)***

For Appellant	:	Mr. Anil Gulati, Advocate.
For Respondents	:	Mr. Aamir Khan, Advocate

**Hon'ble Shri Bibhu Datta Guru, Judge**

**Order on Board**

**05/02/2026**

1. This appeal under Section 30 of the Workmen Compensation Act has been filed by the appellant (non-applicant No.3) being aggrieved by the order dated 30.09.2023 passed by Commissioner (Workmen Compensation Act)/Labour Court, Raipur District Raipur (C.G.) passed in Case No. 201/E.C. Act/2012(Non-Fatal).
2. Respondent No.1/ Claimant filed a claim petition before the learned Commissioner, Workmen's Compensation / Labour Court, Raipur, pleading, inter alia, that he was working as a *Khalasi* under the employment of non-applicants No. 1, 2 and 4. On 19.09.2011, while discharging his duties in the course of employment, the claimant met with an accident in which his right hand was seriously injured, resulting in amputation of the right thumb and two fingers. The claimant was immediately taken for treatment to Dr. Bhimrao Ambedkar Hospital, Raipur. It is pleaded that due to the said accident, the claimant has suffered permanent disability of the right hand and has become functionally handicapped. At the time of the accident, the claimant was about 28 years of age and was earning a monthly wage of Rs. 5,000/-. Despite the permanent disability suffered by the claimant, no compensation has been paid to him by the non-applicants. It is further averred that non-applicant No. 1, the contractor, had insured the claimant against accidental risk with non-applicant No. 3, the insurance company. On account of the permanent disability

and consequent loss of earning capacity, the claimant had filed the present claim petition seeking compensation from the non-applicants.

3. The non-applicant No.1/ respondent No. 2 herein submitted his reply and denied the contents of the claim petition. Non-applicant No. 1, in his written statement, has denied that the applicant was his workman at the relevant time. It has been further pleaded that the employees engaged by non-applicant No. 1 were insured with non-applicant No. 3, the Insurance Company, and therefore, in the event of any liability to pay compensation, the same is liable to be indemnified and satisfied by the Insurance Company.
4. The non-applicants No.3/appellant herein submitted its reply and has denied the insurance coverage of the workman. The Insurance Company has also denied the occurrence of the accident on 30.09.2011 and prays for dismissal of the suit.
5. The learned Commissioner, after appreciating the evidence adduced by the parties, vide impugned award dated 30.09.2023, allowed the claim petition and recorded a finding that the claimant sustained amputation of the right thumb and two adjacent fingers in the alleged accident. It was held that the said injuries fall under Part II of Schedule I of the Employees' Compensation Act, 1923 and constitute scheduled injuries. The learned Commissioner further held that in view of the statutory provisions, production of a separate disability certificate was not necessary. By applying Part II of Schedule I, the learned Commissioner assessed the

permanent disablement of the claimant at 50%, holding that loss of one thumb amounts to 30% permanent disablement and loss of two fingers amounts to 20% permanent disablement. On the basis of the aforesaid findings, the learned Commissioner allowed the claim petition and directed non-applicant No. 3—Insurance Company to deposit a sum of Rs. 3,27,705/- (Rupees Three Lakh Twenty-Seven Thousand Seven Hundred Five only) as compensation within a period of one month from the date of the award, failing which the amount was directed to carry interest at the rate of 10% per annum from the date of accident till the date of actual deposit. Thus, this appeal.

6. Learned counsel for the appellant / non-applicant No. 3 submits that the compensation awarded by the learned Commissioner is not in accordance with the terms of the Nagrik Suraksha Policy. However, he fairly concedes that the said policy was neither pleaded nor relied upon in the claim petition and that the said objection has been raised for the first time before this Court in the present appeal.
7. I have heard learned counsel for the appellant and perused the documents.
8. From the evidence on record, it is clear that the claimant successfully proved that he was employed as a coal khalasi under non-applicants No. 1, 2 and 4 and that the accident dated 19.09.2011 occurred during the course of employment. The occurrence of the accident and the injuries sustained were duly

established through oral evidence, medical documents, photographs and corroborative testimony of the witness of non-applicant No. 1, who admitted the claimant's employment. The injury suffered by the claimant, namely amputation of the right thumb and two fingers, was held to be a scheduled injury under Part II of Schedule I of the Employees' Compensation Act, 1923, warranting assessment of permanent disablement at 50% without requiring a separate disability certificate. The age and monthly wages of the claimant were proved from medical records, and the accident insurance coverage in favour of the claimant was established from the policy on record, thereby fastening liability upon the Insurance Company.

9. 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.
10. 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**

Jyoti