



LABOUR

Disability Certificate by a Non-Treating Doctor Cannot Defeat Compensation Claims under the Employees' Compensation Act

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Introduction

The Bombay High Court has recently clarified an important evidentiary aspect under the Employees' Compensation Act, 1923, holding that a compensation claim cannot be dismissed merely because the disability certificate was issued by a doctor who did not treat the injured workman. In **Mahendra Sabharu Majhi v. M/s Mahalaxmi Enterprises & Anr.**¹, the Court emphasized that the statute requires certification only from a “qualified medical practitioner”, and does not mandate that such practitioner must necessarily be the treating doctor.

Setting aside the order of the Commissioner for Workmen's Compensation, the Court held that expert medical opinion based on examination of the claimant and supporting medical records cannot be discarded solely on the ground that the doctor was not involved in the original treatment. The decision reinforces the welfare-oriented objective of the Employees' Compensation Act and cautions against hyper-technical approaches that undermine legitimate claims of injured workers.

Table of contents

- [Introduction](#)
- [Factual Background](#)
- [Legal Issue](#)
- [Statutory Framework](#)
- [Court Analysis](#)
- [Reliance on Judicial Precedent](#)
- [Decision of the Court](#)
- [Significance of the Judgment](#)
- [Conclusion](#)

Factual Background

The dispute arose from a workplace accident involving the appellant, who was employed at a construction site operated by the first respondent in Thane. During the course of his employment, the appellant fell while performing his duties and sustained serious back injuries. He was immediately taken to Lok Hospital, Thane, where he remained admitted for treatment for several days.

Following the incident, the appellant filed an application before the Commissioner under the Employees' Compensation Act, 1923 seeking compensation of approximately ₹5.95 lakh from the employer and the insurer, contending that the injuries had resulted in a loss of earning capacity. During the proceedings, both the claimant and the employer led evidence, and a disability certificate was produced to establish the extent of the injury and its impact on the claimant's ability to work.

However, the Commissioner dismissed the claim in its entirety on the ground that the disability certificate had been issued by a doctor who had not personally treated the claimant at the time of the accident. Despite the fact that the doctor appeared before the authority and testified regarding the assessment of disability, the certificate was disregarded and the claim was rejected on that basis. Aggrieved by this decision, the claimant preferred an appeal before the Bombay High Court.

Legal Issue

The principal question before the Court was:

Whether a claim for compensation can be rejected solely because the disability certificate was issued by a doctor who had not treated the injured worker.

Statutory Framework

The Court examined the provisions of the Employees' Compensation Act, 1923 governing disability assessment.

Section 4(1)(c)(ii) and Explanation II require the loss of earning capacity to be assessed based on medical evidence from a “qualified medical practitioner.”

Further, Section 2(1)(i) defines a “qualified medical practitioner” as a person registered under any Central Act, Provincial Act or an Act of the Legislature of a State providing for the maintenance of a register of medical practitioners or, any person declared by the State Government, by notification in the Official Gazette, to be qualified medical practitioner for the purposes of the Act.

Importantly, the statute **does not mandate that the disability certificate must be issued by the treating doctor**. A qualified medical practitioner who has not treated the injured can always give evidence on the basis of the medical reports of the injured and give a certificate on the loss of earning capacity or disability. Such a doctor is always open for cross examination.

Court Analysis

The Bombay High Court found the reasoning adopted by the Commissioner to be legally unsustainable and inconsistent with the statutory scheme of the Employees’ Compensation Act, 1923. The Court observed that the Commissioner had rejected the entire claim solely on the ground that the disability certificate was issued by a doctor who had not treated the injured claimant. Such an approach, according to the Court, overlooked the clear language of the statute and the purpose for which medical evidence is considered in compensation proceedings.

The Court examined the relevant provisions of the Act, particularly Section 4(1)(c)(ii) read with Explanation II, which require the loss of earning capacity to be determined with reference to the opinion of a “qualified medical practitioner.” Importantly, the statutory definition of a qualified medical practitioner under Section 2(1)(i) refers to a registered medical professional and does not impose any requirement that the practitioner must have treated the injured employee. In the absence of such a statutory mandate, the Court held that the Commissioner had erred in discarding the disability certificate solely on this ground.

The Court further noted that a medical expert who did not initially treat the claimant may still competently assess the extent of disability by examining the claimant and reviewing medical records. Where such a doctor appears before the adjudicating authority and is subjected to cross-examination, the evidentiary value of the testimony must be assessed on its merits rather than rejected outright.

Additionally, the Court criticized the Commissioner’s approach of deciding all issues including the existence of an employer-employee relationship and whether the accident occurred in the course of employment against the claimant merely because of the perceived defect in the disability certificate. The Court clarified that these issues are independent factual determinations and could not have been rejected on a ground unrelated to them.

In view of these considerations, the Court concluded that the Commissioner’s decision suffered from a fundamental error in law and required interference. The impugned order was therefore set aside, with directions to reconsider the medical evidence and determine the claimant’s loss of earning capacity in accordance with law.

Reliance on Judicial Precedent

In arriving at its conclusion, the Court also drew support from the decision of the Karnataka High Court in *Mukesh Kumar vs. Kulhari Tours and Travels Prof. Mahipal Singh & Anr*², which addressed a similar issue concerning the evidentiary value of medical testimony in compensation proceedings. The Karnataka High Court had clarified that the Employees’ Compensation Act does not require the assessment of loss of earning capacity to be undertaken exclusively by the doctor who treated the injured workman.

The ruling recognized that the opinion of any qualified medical practitioner who has examined the claimant and assessed the disability can be relied upon, provided such testimony withstands scrutiny during cross-examination. By referring to this precedent, the Bombay High Court reaffirmed that the evidentiary assessment in compensation claims should be guided by the expertise and credibility of the medical practitioner, rather than by a rigid requirement that the doctor must have been involved in the original treatment.

Decision of the Court

The Bombay High Court allowed the appeal and set aside the order of the Commissioner.

The matter was remanded with directions to:

- Consider the medical evidence and disability certificate issued by the doctor
- Determine the **percentage of loss of earning capacity**
- Calculate the compensation payable accordingly

The Court clarified that other issues such as the employer-employee relationship and occurrence of the accident in the course of employment were **already concluded and could not be reopened**.

Significance of the Judgment

This decision carries important implications for workers' compensation claims in India.

Preventing hyper-technical rejections: The ruling prevents authorities from dismissing claims based on narrow procedural objections rather than substantive justice.

Expanding admissibility of medical evidence: By recognizing the validity of disability certificates issued by non-treating doctors, the Court broadens the evidentiary framework available to injured workers.

Reinforcing welfare objectives of the statute: The Employees' Compensation Act is a beneficial legislation aimed at protecting workers. The judgment reiterates that its interpretation must align with this social welfare objective.

Conclusion

The ruling of the Bombay High Court highlights the importance of adopting a pragmatic and purposive approach while adjudicating claims under the Employees' Compensation Act, 1923. By clarifying that a disability assessment need not necessarily be issued by the treating doctor, but may validly be provided by any qualified medical practitioner, the Court has reaffirmed that procedural technicalities should not override substantive justice in welfare legislation.

The judgment therefore reinforces the remedial and worker-protective character of the Act, ensuring that legitimate compensation claims are evaluated on the basis of credible medical evidence rather than being dismissed on narrow evidentiary objections. In doing so, the decision strengthens the broader objective of safeguarding injured workers' access to statutory compensation.

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1. FIRST APPEAL NO.1627 OF 2012 ??
2. 2025 SCC OnLine Kar 808 ??

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