

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 361 of 2006

Appellant :- The Oriental Insurance Company Ltd.

Respondent :- Smt. Asha Devi And Others

Counsel for Appellant :- Subhash Chandra Srivastava

Counsel for Respondent :- Brijesh Chandra Naik, Pradeep Kumar Sinha, Vashishtha Tiwari

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The present appeal has been filed by the appellant challenging the award dated 13.12.2005 passed by the Commissioner for Workmen's Compensation/Deputy Labour Commissioner, Gorakhpur Camp Deoria in W.C.C. No.5/2004.
3. Learned counsel for the appellant has contended that the deceased died due to heart attack and therefore, the cause of death of the deceased had no direct connection with the nature of employment of the deceased and the claim was not maintainable.
4. Per contra, learned counsel for the respondents has contended that the deceased was driving the dumper No.GJ15U/8011, when he suffered heart attack. It is submitted that the deceased was on duty when he died. Accordingly, it is submitted that the deceased died during the course of employment and the cause of death of the deceased

had direct connection with the nature of employment of the deceased.

5. Be that as it may, it is not disputed that the deceased was on duty and was driving the truck when, he suffered heart attack. It is pertinent to note that the deceased was driving on the instructions of the owner. The owner has also not denied the employment of the deceased nor denied the fact that when he was on duty, suffered heart attack. In such view of the fact, this Court is of the view that the deceased died during the course of employment and the cause of death of the deceased had direct connection with the nature of duty of the deceased. Accordingly, this Court is of the view that the finding of the tribunal on the aforesaid point is a finding of fact and is not liable to be interfered with by this Court.

6. As the appeal is maintainable only on substantial question of law under Section 30 of the Workmen's Compensation Act, and in the instant case, no substantial question of law arises which is to be answered by this Court.

7. In view of aforesaid, the appeal lacks merit and is accordingly ***dismissed***.

Order Date :- 16.10.2023

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