



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1861 of 2001 (O&M)

Date of Decision: 15.07.2026

Oriental Insurance Company Limited, Bilaspur (HP)
through Regional Office, Ropar

...Appellant

Versus

Dhan Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Neeraj Khanna, Advocate
for the appellant-Insurance Company.

Mr. Hardip Singh, Advocate
for respondent No. 1.

HARKESH MANUJA, J. (ORAL)

By way of the present appeal, challenge has been laid to the order dated 26.04.2001 passed by the learned Workmen's Compensation Commissioner-cum-Labour-cum-Conciliation Officer, Mohali (**hereinafter referred to as "the Commissioner"**), whereby the claim petition preferred by respondent No.1-applicant under the provisions of the Workmen's Compensation Act, 1923 (**for short, "the 1923 Act"**), on account of the death of her husband Shiv Kumar, was allowed and compensation of ₹1,97,060/- along with interest @12% per annum from the date of accident till realization was awarded against the employer as well as the appellant-Insurance Company jointly and severally.

[2] Briefly stating, the case of the claimant was that her husband was employed as driver on tractor-trolley No. HP-23-2540 owned by respondent No.2. On 14.12.1998, while unloading stones at Bansal Stone Crusher, the trolley suddenly collapsed due to failure of the hydraulic pressure pipe, resulting into the death of Shiv Kumar. A Daily Diary Report (DDR) was recorded regarding the occurrence. It was further pleaded that the deceased was drawing wages of ₹3,000/- per month, was aged about 33 years, and died during and in the course of his employment. Since no compensation was paid despite knowledge of the accident, the claim petition came to be filed.

[3] Upon appreciation of the evidence, the learned Commissioner held that the deceased died during and in the course of his employment. While restricting the monthly wages to ₹2,000/- in terms of the statutory ceiling under Section 4 of the 1923 Act and applying the relevant factor of 197.06, compensation of ₹1,97,060/- along with interest was awarded.

[4] Learned counsel for the appellant contends that the learned Commissioner erred in holding that the accident occurred during the course of employment. It is further argued that no independent eye-witness was examined; that the driving licence of the deceased stood proved to be fake through the report of the Local Commissioner; and that the appellant could not have been fastened with liability to pay interest.

[5] Per contra, learned counsel for respondent No.1 submits that the impugned award is based on proper appreciation of the pleadings and evidence and does not warrant interference.

[6] I have heard learned counsel for the parties and perused the paper-book.

[7] The foremost contention regarding absence of employer-employee relationship deserves outright rejection. The employer himself, in his written statement, unequivocally admitted that the deceased was employed by him as driver on the offending tractor-trolley and further admitted payment of monthly wages of ₹3,000/-. Such admission constitutes substantive evidence against the maker thereof and dispenses with any further requirement of proof. Besides, the claimant stepped into the witness box and reiterated the factual assertions made in the claim petition. Her testimony remained unshaken during cross-examination. The testimony of AW-II Karam Chand, brother of the deceased, who witnessed the occurrence, further corroborated the claimant's version. The DDR also lends support to the occurrence. Thus, the finding recorded by the Commissioner that the deceased died during and in the course of his employment is based upon cogent evidence and warrants no interference.

[8] Furthermore, the next contention regarding the fake driving licence is also liable to be rejected. The learned Commissioner noticed the report of the Local Commissioner as well as the communication received from the licensing authority indicating that the licence was not genuine. Pertinently, the original record from the

office of DTO, Patna which formed the basis of the Local Commissioner report was never summoned or proved before the learned Commissioner. However, merely because the deceased was allegedly not holding a valid driving licence would not, *ipso facto*, absolve the insurer of its statutory liability towards the dependants of the deceased employee under the provisions of the 1923 Act. The learned Commissioner rightly relied upon the settled principle that breach relating to the driving licence does not automatically defeat the claim of a third-party beneficiary or dependent under a beneficial legislation, particularly when the accident itself occurred during the course of employment and there is no evidence that the alleged breach had any causal nexus with the occurrence of the accident. No material has been placed before this Court to take a view different from that adopted by the Commissioner.

[9] The appellant has further challenged the award of interest. The contention deserves rejection in view of the statutory mandate contained in Section 4A of the 1923 Act, which obligates payment of compensation within the prescribed period, failing which the employer becomes liable to pay interest. The Commissioner, therefore, committed no error in directing payment of statutory interest. The appellant has failed to show any legal infirmity in the direction issued by the Commissioner.

[10] It is well settled that the jurisdiction of this Court in an appeal under Section 30 of the Workmen's Compensation Act is confined to a substantial question of law. Findings of fact recorded by

the Commissioner, based upon appreciation of evidence, are not liable to be disturbed unless shown to be perverse or based on no evidence. In the present case, the appellant has not been able to point out any perversity, misreading of evidence or substantial question of law warranting interference by this Court. The findings recorded by the Commissioner are well reasoned, supported by the evidence on record and are in consonance with the provisions of the 1923 Act.

[11] Consequently, finding no merit in the present appeal, the same is **dismissed**. The award dated 26.04.2001 passed by the learned Workmen's Compensation Commissioner-cum-Labour-cum-Conciliation Officer, Mohali is affirmed.

[12] Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

July 15, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No