

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.1011 of 1993 (O&M)

Date of decision: 01.04.2015

M/s Haryana Agro Industries

..... Appellant

versus

Smt. Joginder Kaur & another

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr.P.S.Chauhan, Advocate for the appellant
Mr.Balbir Singh Saini, Advocate for respondent No.1
Mr.R.S.Mamli, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This appeal has been filed by Haryana Agro Industries against the order dated 25.8.1992, passed by the Commissioner under the Workmen's Compensation Act, Panipat, vide which the application filed by Joginder Kaur – respondent No.1 was allowed and she was allowed the compensation to the tune of Rs.1,33,081.20 on account of death of his elder son Dalbir Singh. Respondent No.1 i.e. the present appellant was directed to deposit the entire amount of decree within 30 days and if so desired, it can recover the amount from respondent No.2 Kashmir Singh.

The brief facts of the case are that on 25.3.1989, Dalbir Singh deceased, while working in the premises of the present appellant, met with an accident. As a result of which, he died on

30.3.1989. Before the Commissioner, Kashmir Singh contractor did not appear.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the appellant has argued that in fact, the present appellant Haryana Agro Industries has given contract to National Agro Industries, which further employed Kashmir Singh as contractor and that the deceased was an employee of contractor Kashmir Singh. However, it is not denied that at the time of accident, he was working in the premises of Haryana Agro Industries. Even if the said contention is accepted even then the Haryana Agro Industries becomes the principal employer and Kashmir Singh will only become a sub-contractor.

It being so, no fault can be found with the impugned order. Accordingly, the appeal is found to be without any merit. The same is dismissed.

It further comes out that while releasing the amount, a surety was taken from Jeet Singh, who has filed CM No.6094-CII of 2015 for passing an order regarding his land. Since the order has been upheld, the land of Jeet Singh applicant which was taken as security, is ordered to be released.

CM No.6094-CII of 2015 is accordingly disposed of.

01.04.2015

gk

**(Kuldip Singh)
Judge**