

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.1497 of 1992 (O&M)
Date of Decision: May 06, 2015**

General Manager, Haryana Roadway, Gurgaon Appellant

vs.

Sh. Chander Parkash Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sharad Kumar Yadav,
Deputy Advocate General, Haryana for the appellant.

Mr. J.S. Yadav, Advocate for the respondent.

- 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)

The Registry has reported that only civil misc. application was disposed of and the main case is still pending.

I have heard learned counsel for the parties.

Challenged in the present appeal is the order dated 22.01.1992 passed by the Commissioner under the Workmen's Compensation Act, 1923 (in short 'the Act'), Gurgaon Circle, for grant of compensation on account the injuries received by the applicant (respondent herein) during the course of employment.

In this case, the applicant (before the Commissioner) was a driver working under the present appellant-Haryana Roadway, Gurgaon. It is stated that on 27.08.1989, when the applicant-

respondent (herein) was driving the bus bearing registration No.HRU-4230 and was going from Gurgaon to Kapurthala and reached near village Shanjari, District Karnal, a truck overtook the bus from back and back side of the truck hit the bus. As a result of the accident, the applicant-respondent received injuries and as a result of the injuries, he is not able to drive the bus. He was taken off the duty and later on his services were terminated. The commissioner granted compensation to the tune of ₹1,01,925/- (rupees one lac one thousand nine hundred twenty five only). At the time of the accident, the applicant-respondent was 32 years of the age. The Commissioner calculated loss of earning capacity at 100%.

I am of the view that the accident took place during the course of employment. After the accident, as a result of the injuries suffered by the applicant-respondent, he was unable to drive the bus. Therefore, loss of earning capacity at 100% was rightly calculated by the Commissioner and after making the calculation under the Act, the compensation was awarded.

Thus, I do not find any illegality or infirmity in the impugned order.

The present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

May 06, 2015
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