

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

FAO No. 744 of 1992 (O&M)

Date of decision: 21.01.2015.

Piara Singh

..... Appellant.

Versus

Employees State Insurance Corporation

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- None for the appellant.

Mr. Vikas Suri, Advocate, for the respondent.

NAVITA SINGH, J.

It is seen from the grounds of appeal that the appellant desired to get the report of the Medical Board set aside on the basis of testimony of Dr. Nirmaljit Kaur Brar (PW1), who was the Senior Medical Officer, ESI Hospital, Mohali, at the relevant time. The report of the Board was proved by Dr. K.L. Batra, Director, General Health Services. Ex. D2 was the report of the Board which bore the signatures of Dr. K.L. Batra. The oral testimony of Dr. Nirmaljit Kaur Brar on simple examination of the appellant was not authentic so as to override the report of the Board.

2. Also, the Director, General Health Services, had come in the witness box and proved the report, whereas Dr. Nirmaljit Kaur Brar was a Senior Medical Officer at the relevant time. The disability has to be assessed by a Board and it was so done and evidence in that regard was produced by the respondent. The report of the Board was rightly believed by the Employees Insurance Court.

3. It appears that for the above reason, the appellant being aware of the actual facts, has not bothered to come present.

4. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

21.01.2015
Ramesh