

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2369 of 2015 (O/M)
Date of decision : 9.4.2015

Amar Nath Sharma

..... Appellant

Versus

Commissioner, Employees Compensation Act, Circle Karnal and
another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Yogesh Arora, Advocate,
for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Employer has filed this appeal against the order dated 29.1.2015, passed by the Commissioner, Employees Compensation Act, Circle Karnal (in short 'the Commissioner'), vide which the appellant was ordered to pay compensation to the tune of Rs. 88,402/- with interest, amounting to Rs. 23,205/-, calculated @ 9% per annum from the date of filing the claim petition till the passing of the order. The total sum awarded is Rs. 1,11,607/-.

Brief facts of the case are that claimant/injured (respondent No. 2 herein) was working as a Mason in the house of respondent (appellant herein). During the construction work, the

injured/claimant requested the employer to provide him bamboo steps, but these were not provided. While doing the construction work, the injured/claimant fell down and received multiple injuries on his backbone and he is on the bed.

Respondent (appellant herein) in his reply did not deny the fact that he had employed the claimant/injured, but stated that no demand of bamboo steps was ever made from him. It was stated that the injured/claimant was engaged for removal of three wooden battens from the roof at the rate of Rs. 300/- per day.

Learned counsel for the appellant has argued that the disability certificate produced by the claimant/injured was not called by the Commissioner. Therefore, it cannot be believed. The injury mentioned in the disability certificate is not permanent disability.

A perusal of the findings shows that the disability certificate was issued by the Board of Doctors of Kalpana Chawla Government Medical College and Hospital, Karnal, and the doctors had recorded the disability of 20%. There is nothing to dispute the facts recorded in the said certificate. Before the Commissioner, the photocopies of medical bills were also produced, which were objected to by the applicant. It has been further argued that the age of the claimant/injured was wrongly taken to be 40 years, whereas in the disability certificate, it is mentioned as 47 years.

After going through the order, I do not find any illegality or infirmity in the same. The age of 40 years was taken as per the

medical reports. The injury, of course, was there. The claimant/injured was employed as a Mason by the respondent and it was for him to provide necessary supporting material for carrying out the repairs. Therefore, factor of 184.17 was rightly applied by the Commissioner to grant the compensation. There is no illegality or infirmity in the impugned order dated 29.1.2015, passed by the Commissioner.

Consequently, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

9.4.2015
sjks