

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

**FAO No.3328 of 2015 (O&M)
Date of Decision: May 13, 2015**

The General Manager and another Appellants

vs.

Vinod Kumari and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

- 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)

CM-9960-CII-2015

There is a delay of 44 days in filing the present appeal.

For the reasons mentioned in the application, delay of 44 days in filing the present appeal is condoned subject to all just exceptions.

Application stands disposed of.

FAO-3328-2015

The General Manager, Haryana Roadways, Karnal has challenged the order dated 15.01.2015 passed by the Commissioner under the Employee's Compensation Act, 1923, Karnal, vide which on account of death of Ranbir Singh, employed as Conductor bearing No.211 during the course of employment, the appellants have been

saddled with the liability to pay compensation to the tune of ₹7,22,061/- (rupees seven lac twenty two thousand sixty one only).

The contention of learned counsel for the appellants is that as per the case of the claimants (respondents herein), the deceased, who was undisputedly working as Conductor with the present appellants was on duty on 25.01.2004 on a bus bearing registration No.HR-45-7091, which was going from Assandh to Karnal. After his duty was off at Assandh, he started his journey to his village Ardana on his motor cycle bearing registration No.HR-40-7396 make 'K Bajaj Champion' and met with an accident with a camel cart and he died.

The plea of learned counsel for the appellants is that this accident is not during the course of employment. Therefore, the appellants are not liable to pay the compensation.

I am of the view that coming to the duty and going back from duty are also part of duty. When the deceased was going back to his home after attending his duty, it is part of his duty and the said accident is held to have occurred during the course of employment.

Learned counsel for the appellants further contends that there is contradictory version in the DDR and in the record whereas at one place it has been mentioned that the accident took place with a camel cart. However, at another place, it was mentioned that the accident took place with an undisclosed vehicle.

This fact is immaterial as Ranbir Singh, Conductor died while returning from duty. It is immaterial whether he died in an accident with a camel cart or with undisclosed vehicle.

Learned counsel for the appellants has further argued that as the duty of the deceased terminated at night, therefore, he was supposed to stay in the staff room at bus stand.

However, learned counsel for the appellants has failed to produce any statutory rules or guidelines, which require that a staff member whose duty terminates at night is supposed to stay in the staff room at bus stand.

It being so, I do not find any fault with the findings recorded by the Commissioner.

Thus, I do not find any merit in the present appeal and the same is accordingly dismissed.

May 13, 2015
sarita

(KULDIP SINGH)
JUDGE