

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CM No.27176-CII of 2014
in/ and FAO No.9798 of 2014 (O&M)
Date of decision: 30.04.2015

Executive Engineer and another

..... Appellants

versus

Nater Pal

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.D.S.Nalwa, Advocate 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 No.27176-CII of 2014

This application has been filed for condonation of 6 days delay in refiling the appeal. The application is accompanied by an affidavit. For the reasons mentioned therein, it is allowed and 6 days delay in refiling the appeal stands condoned.

FAO No.9798 of 2014 (O&M)

Nater Pal applicant (respondent herein) was working as an Assistant Lineman with the respondents (appellant herein). He was about 22 years of age. On 30.6.2009, he was working in village Samora as per instructions of Dinesh Kumar, Junior Engineer attached with the office of respondent No.1 before the Commissioner and was repairing HT line of transformer. He was told that permit for

disconnection of supply of the said HT line has been taken by the said Junior Engineer from respondent No.1. But when he was working on the said line then at once electricity was released due to which he was electrocuted and fell down and sustained multiple grievous injuries on the vital parts of the body. He was removed to general hospital, Karnal and thereafter due to critical condition, he was shifted to PGI, Chandigarh. He has sustained fracture on his spinal cord and has now become permanently disabled and since then he is bed ridden. He has spent more than Rs.5 lacs on his treatment. The Commissioner, after recording the evidence has awarded compensation to the tune of Rs.7,91,076/- along with 12% per annum interest if the amount is not paid within 30 days.

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

Learned counsel for the appellants has argued that under Section 3 of the Employees Compensation Act, 1923 (for short, 'the Act'), no liability will arise if there is willful disobedience of the employee to an order expressly given or to a rules expressly framed for the purpose of securing the safety of the employee. It has been argued that in this case, no permission was obtained for disconnection of electric supply and that there was negligence on the part of the employee. It is not denied that the permit, if any, was to be obtained by the Junior Engineer. The applicant was merely an Assistant Lineman and he was to follow the directions of the Junior Engineer. He was told by the Junior Engineer to repair the transformer stating that the permit has been taken. At that time there

was no electric supply. The Assistant Lineman is not supposed to physically verify the documents i.e. the permit before performing the duties. He relied upon the Junior Engineer and started working on the transformer. Then suddenly power was released in the transformer as a result of which the applicant was electrocuted and received multiple injuries. There is injury on his spinal cord and he is bed ridden since the date of accident. Therefore, I am of the view that the present case is not covered under the proviso b(ii) of Section 3 of the Act.

If being so, I do not find any merit in the present appeal.

The same is accordingly dismissed.

30.04.2015

gk

**(Kuldip Singh)
Judge**