

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

RSA No. 2596 of 2015 (O&M)

Date of decision: 14.08.2015

M.D. ,DHBVN, Hisar and others

... Appellants

versus

Poonam and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Pritam Saini, Addl. Advocate General, Haryana.

K.Kannan, J.

CM No. 6686 of 2015

For the reasons mentioned in the application, delay of 62 days in filing the appeal is condoned.

CM is disposed of.

Main Appeal

The appeal is against the decree of the trial Court as affirmed by the Appellate Court awarding the damages against the Electricity Corporation for death of an employee who in his course of occupation had received electrocution and died. The Electricity Corporation took a defence that he died a natural death, but, the trial Court after evidence made reference to the postmortem certificate and other witnesses' versions to hold that the death was only due to electrocution and that the

family was bound to be compensated adequately on the basis of income and status. While decreeing the suit, the Court adverted to the admission of one of the witness of the Electricity Corporation itself that the death had resulted only on account of electrocution. The Electricity Corporation wanted to place on record their own findings that the death had occurred on account of his own negligence.

Even as a matter of principle under the Employees Compensation Act, a violation of instructions or failure to observe the safety instructions, cannot be a exculpatory ground for an employer to plead against the claim for compensation by the representatives of the deceased employee. The same principle ought to apply by taking the worst case scenario against the employee that even his non-negligence cannot absolve the liability of the Corporation which houses dangerous installations and any death or injury resulting from the user of such installations must be attributable as arising out of employment for fixing the liability. The assessment made by the trial Court was affirmed in appeal. The compensation fixed accords with justice and there exists no grounds for intervention.

The regular second appeal is dismissed with the above observations.

(K.KANNAN)
JUDGE

14.08.2015

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