

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

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FAO No.3410 of 2016 (O&M)
Date of Decision: July 04, 2016

The Hafed Sugar Mill, Tehsil Assandh, District Karnal, Haryana

...Appellant

Versus

Ganga Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Prateek Rathee, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.12390-CII of 2016

Disposed of as infructuous.

CM No.12391-CII of 2016

Prayer in this application is for condonation of delay of 11 days
in re-filing the appeal.

For the reasons mentioned in the application which is duly
supported by the affidavit of the Clerk of the counsel, the same is allowed.

Delay of 11 days in re-filing the appeal stands condoned.

CM No.12392-CII of 2016

Prayer in this application is for condonation of delay of 92 days
in filing the appeal.

For the reasons mentioned in the application which is duly
supported by the affidavit of Shri Sushil Kumar Malik, General Manager,
The HAFED Sugar Mill, the same is allowed.

Delay of 92 days in filing the appeal stands condoned.

FAO No.3410 of 2016

Challenge in this appeal is to the order dated 28.10.2015 passed by the Commissioner, Employee's Compensation Act, Circle Karnal, whereby the claim application of respondent-claimant-Ganga Devi, mother of deceased-Sunil, has been accepted granting her compensation amount of ₹3,44,855/- for a fixed period of 4½ years which come to ₹1,86,222/- as interest. The total amount which has been given is ₹5,31,077/-. In case the said amount is not deposited within a period of 30 days, further simple interest at the rate of 12% per annum from the date of order till the date of realisation has been ordered.

2. It is the contention of learned counsel for the appellant that it is a basic principle that the claimant has to stand on his own feet and to prove his case has to lead cogent evidence. He asserts that no documentary evidence has been placed on record indicating that deceased-Sunil was an employee of the appellant. He submits that except for her own bald statement i.e. Ganga Devi AW-1 and also the statement of Ravinder Kumar AW-2, who is the real brother of deceased-Sunil, there is no evidence on record which would indicate that he was employed with the appellant. He contends that the evidence which has been relied upon by the Commissioner, Employee's Compensation Act, cannot be said to be one which would entitle respondent No.1 to the claim, as has been ordered. He, thus, submits that the order impugned deserves to be set aside.

3. I have considered the submissions made by learned counsel for the appellant and with his able assistance, have gone through the impugned order but do not find any illegality in the same.

4. There can be no dispute with regard to the assertion of the counsel for the appellant that there must be cogent evidence on record which would establish the claim as put forth in a claim petition. In the present case, apart from the statements of Ganga Devi AW-1 and Ravinder Kumar AW-2, the eyewitness, there is evidence on record including the police report Exhibit C-1, legal notice Exhibit C-2, postal receipts Exhibits C-3 and C-4, Death Certificate Exhibit C-5, postmortem report Exhibit C-6, which clearly indicate that deceased-Sunil was employed with the appellant. Apart from that, postmortem report Exhibit C-6 further establishes that Sunil died because of poisoning of pesticides. There is no evidence led by the appellant and in the absence of any evidence and rebuttal, the evidence as placed on record by respondent No.1-claimant, has rightly been relied upon by the Commissioner. There is ample evidence on record which clearly establishes the claim, as has been put forth. The Commissioner has dealt in detail with regard to each and every aspect qua the contentions as has been raised by the appellant, which cannot be faulted with.

5. The findings as recorded by the Commissioner being in accordance with law and based upon proper appreciation of the pleadings and the evidence brought on record, do not call for any interference by this Court in the present appeal.

6. The appeal being devoid of merit, therefore, stands dismissed.

July 04, 2016
Puneet

(AUGUSTINE GEORGE MASHI)
JUDGE