

FAO No. 929 of 2015 (O&M)

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

FAO No. 929 of 2015 (O&M)

Date of Decision: September 15, 2016

Jagdish

...Appellant

Versus

Commissioner, Employee's Compensation Act, Circle-1,
Sonepat & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parveen Sharma, Advocate for
Mr. Arvind Singh, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral):

CM No.2510-CII of 2015

Prayer in this application is for condonation of delay of 229 days in filing the appeal.

For the reasons mentioned in the application which is duly supported by the affidavit of the appellant wherein delay has been explained, the present application is allowed. Delay of 229 days in filing the appeal stands condoned.

FAO No. 929 of 2015

Challenge in this appeal is to the award dated 31.03.2014 passed by the Commissioner, Employee's Compensation Act, Circle-I,

Sonepat, whereby, the claim application of the appellant seeking compensation has been dismissed.

It is the contention of the counsel for the appellant that the appellant had received serious and grievous injuries in an accident which took place on 11.02.2011 in the fields of one Baljit resident of village Murthal, District Sonapat, during the course of the employment with Dhanna Ram, Contractor-respondent No.2. He asserts that the appellant was deputed by respondent No.2 to work on the transformer and it is during the work which was being performed he suffered injuries resulting in his left hand and right side ribs getting burnt. He was admitted in hospital for more than 1½ month and therefore, a DDR was recorded in the Police Station Murthal, District Sonapat. Claim for an amount of ₹ 10 lacs was put forth alongwith interest @ 10% per annum as he had suffered an injury during his employment under respondent No.2. Counsel for the appellant contends that as per his disability certificate (Ex.A-1), which has been produced on record, depicts the disability of the appellant to be 15%. His further contention is that the medical and medicine bills have been brought on record and properly exhibited but the same also have not been taken into consideration while rejecting the claim application of the appellant. Thus, prayer has been made for setting aside the impugned award and granting the appellant the benefit under the Employee's Compensation Act.

I have considered the submissions made by the counsel for the appellant and with his assistance have gone through the impugned award.

There is no dispute that a disability certificate has been produced by the appellant as Ex.A-1 but Dr. S.P. Sharma, who was one of the members of the Medical Board which had checked and assessed the disability of the appellant, had stated in his cross-examination that the disability is temporary and will improve by the passing of the time. No other evidence has been brought on record which would indicate any permanent disability to the appellant. In the cross-examination, the appellant has also admitted that he is still working with respondent No.2. If that be so, the petitioner had not suffered any loss because of the injury which he had suffered.

As regards the contention of the counsel for the appellant that the medical and medicine bills which have been placed on record have not been given due consideration and no compensation has been awarded with regard to the amount spent on treatment which include medicines bills as well, suffice it to say that in the cross-examination of the appellant, he had himself admitted that all the expenses with regard to his treatment were borne by respondent No.2 during the course of treatment. It may also not be out of way to mention here that no cogent evidence has been brought on record with regard to the expenditure having been incurred by the appellant from his own pocket as he has not produced any witness either from the hospital or from the chemist shop to prove that the said bills were paid by him.

The findings as recorded by the Commissioner in its award

being based upon proper appreciation of the pleadings and the evidence brought on record, do not call for any interference by this Court.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 15, 2016
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No