

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

LPA No.1245 of 2016 (O&M)

Date of Decision : 21.07.2016

Municipal Council, Bhiwani

....Appellant

Versus

Commissioner, under the Employees
Compensation Act and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

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?

...

Present: Mr. Jagdish Manchanda, Advocate
for the appellant.

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MAHESH GROVER, J.

C.M.Nos.2596 & 2597-LPA of 2016

Civil Misc. applications are allowed. Marginal delay of 4 days in filing and 71 days in re-filing the appeal is condoned.

LPA No.1245 of 2016

This appeal is directed against the judgment of the learned Single Judge dated 11.01.2016.

The legal representatives of the deceased workman filed a claim with the Commissioner under the Employees'

Compensation Act, 1923 seeking compensation on account of death of Satender (hereinafter known as 'the workman').

It was stated that the workman was working as a driver with the appellant and died on 07.08.2010 while he was performing his duties in unhygienic atmosphere. The deceased workman was stated to be drawing a salary of Rs.5,349/- per month.

The Commissioner went into the claim and awarded a compensation of Rs.5,97,231/-.

This order was challenged by the appellant in the writ petition which was dismissed resulting in the present appeal.

The appellant took up the plea that the deceased was not their employee and was in fact employed through a contractor. However, this plea could not be substantiated by them by any material on record. The factum of the deceased working as a driver on the vehicle belonging to the appellant is not disputed. We are unable to accept the contention of the appellant that the deceased was not their employee and rather was working under a contractor who lent the workman's services to them. Neither the name of the contractor was disclosed nor was any relevant material produced to establish such a plea. Before this Court the appellant has placed on record Annexures A-1 and A-2 which they seek to introduce by way of additional evidence. We find

these documents to be absolutely vague as they do not mention the name of the employee whose services were lent to the appellant. Such documents obviously cannot form the basis of any claim to negate the findings recorded by the learned Single Judge, which, in our opinion deserve to be affirmed.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

21.07.2016
dss

(SHEKHER DHAWAN)
JUDGE