

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.793 of 2004(O&M)

Date of Decision:-04.12.2017

Dharam Singh.

.....Appellant.

Versus

Sahib Ditta.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Naveen Daryal, Advocate for the Appellant.

Mr. Chiranshu Bansal, Advocate for
Mr. Vikram Singh, Advocate for the Respondent.

JASWANT SINGH, J.(ORAL)

Appellant-claimant is the father of deceased Sanjay, who had been summoned for a day's work at the rate of Rs.90/- per day on 2.7.1998 by respondent Sahib Ditta for installation of hand pump at his house. The said Sanjay is stated to have suffered electrocution while installation resulting into injuries and eventually his death.

The appellant-claimant filed the Claim petition under Section 22 of The Workmen Compensation Act, 1923 before the Commissioner Workmen's Compensation Act, Panipat which was dismissed vide the impugned order dated 26.09.2002. Hence the present appeal.

After hearing learned Counsel for the parties and perusing the paper book with their able assistance, no ground for interference is made

out.

The cited judgment reported as **Smt. Swaran Kaur Vs. Sardari Lal Kapur 1994(2) PLR 436** also does not advance the cause of the appellant as in the cited case the Workmen was undertaking a repair work in a premises covered under the relevant part in Sub Clause-A of Clause 8(i) of Scheduled II of Section 2(1)(9) of the Workmen Compensation Act 1923 whereas he is unable to show that the deceased Sanjay engaged for executing a work for a day would be held to be a workmen and the respondent employer for the purpose of award of compensation under The Workmen Compensation Act, 1923. Reference to the definition of a Workmen under Section 2(n) read with Provisions of Schedule-II do not show that said engagement for undertaking such a day's work in a residential premises is covered under the definition of workmen.

In view of the above, finding no merit in the present first appeal, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

December 04, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>