

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

**FAO No. 2759 of 2017 (O&M)
Date of Decision: 26.09.2017**

Ganpati Foods (Solvent Extraction Unit),
Nillo Kheri, Karnal and another

..... Appellants

Versus

Ramji Sharma

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Deepak Goyal, Advocate
for the appellants.

JASWANT SINGH, J. (ORAL)

CM No. 9350-CII of 2017

Present application, moved by the appellants, is for
condonation of delay of six (06) days in filing the appeal.

For the reasons stated in the application, duly supported by
the affidavit, the same is allowed and the delay of six (06) days in filing the
appeal is condoned.

CM No. 19920-CII of 2017

Present application, moved by the appellants under Section
151 CPC, is for placing on record the receipt dated 13.09.2017 as
Annexure A-4, showing that the amount of compensation has been
deposited and also to place on record the order dated 25.04.2017 as
Annexure A-5.

Application is allowed as prayed for. The documents as

Annexures A-4 & A-5 are taken on record subject to all just exceptions.

Registry to tag/paginate the present application at appropriate place in the paper book.

MAIN CASE

The employer i.e. the partnership firm and the partner-Ashok Goel (appellant Nos. 1 & 2, respectively) have filed the present first appeal under Section 30 of the Employees' Compensation Act, 1923, directed against the order dated 20.02.2017 passed by the Commissioner, Workmen's Compensation Act, Jind, whereby compensation for an amount of Rs. 84,728/- have been awarded to the injured/workman-Ramji Sharma (respondent herein).

Learned counsel for the appellants has argued that from the register of the employees, showing deduction of provident fund, it is established that the respondent-workman was never employed with the appellants, and, therefore, the learned Commissioner, Workmen's Compensation Act, Jind, vide the impugned order dated 20.02.2017, has wrongly recorded a finding of an employer employee relationship and illegally proceeded to award compensation.

After hearing learned counsel for the appellants and with his able assistance, going through the paper book, this Court is not persuaded to interfere with the impugned award.

The case of the respondent-workman was that he was working as 'Mechanic Skilled Worker' with Ganpati Foods/respondents for the last about five years and on 13.03.2010, when he was fitting the *Chaddar* of conveyor of the boiler on instructions of the respondents, had suffered an accident, whereby the two fingers of the respondent-workman were cut off from the hand at the spot. The workman was shifted to Parnami Nursing

Home, Nillo Kheri on the same day where he was operated by the doctors and the efforts to rejoin the two fingers had failed. The amputation had caused 15% disability as per the disability certificate, Ex. A-13. The respondent-workman appeared as AW-1 and also examined Mahender Sharma as AW-2 and Anil Kumar, Proprietor of Balaji Medical Hall, Nillo Kheri, Karnal as AW-3 alongwith the evidence of medical bills of the workman and the prescription slips Ex. A-1 to Ex. A-12 alongwith disability certificate Ex. A-13. The respondent-workman has been able to prove through the above cogent evidence that he was working as a Mechanic with the respondents and had got injured in the premises, while working on the machine of the respondents-partnership firm. Thus, the injury was suffered in an incident during the course of employment.

In the opinion of this Court, the learned Commissioner, Jind, by relying upon the judgment referred in *Maghar Singh Versus Jashwant Singh 1997 ACJ 517 (supra)* and the evidence adduced, has rightly recorded the findings that there was a relationship of employer and employee between the respondents (appellants herein) and the applicant-workman (respondent herein), had suffered an injury during the course of employment. The amount of compensation is on well founded reasons based on the evidence adduced. No substantial question of law arises for consideration.

In view of the above, no ground for interference is made out in the present appeal and the same is dismissed.

September 26, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No