

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

FAO No. 983 of 2017 (O & M)

Date of decision: 05.04.2017

Punjab State Electricity Board and others

....Appellant(s)

Versus

The Commissioner, Employees Compensation & Assistant Labour
Commissioner and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mrs. Anupam Bhanot, Advocate,
for the appellants.

G.S.SANDHAWALIA, J. (Oral)

The present appeal, which is barred by 326 days in filing and 9 days in refiling the appeal, has been filed under Section 30 of the Employee's Compensation Act, 1923 (in short 'the Act') against the order dated 30.11.2015 passed by the Commissioner, SAS Nagar, Mohali Camp Roop Nagar. Vide the said order, a sum of ₹3,19,277/- has been directed to be paid to the respondent-claimant as compensation alongwith 9% interest from the date of the accident till its actual realization.

A perusal of the impugned order would go on to show that the claimants had alleged that on 11.02.2010, while he was employed as Assistant Linesman with the appellants on a permanent basis at a monthly salary of ₹17,000/- and while posted at the Sub Division City, Kharar, he had gone to attend complaint at Mundi Kharar where the work of fitting of a transformer had been done and he was installing the auto cable from the transformer and had been told by appellant no. 4 that the supply had been

shut off. In the meantime, while he was working, the supply was released which resulted in electrocution and he, alongwith Harnek Singh and Partap Singh, suffered injuries and became disabled since his right arm and elbow and his hand were badly damaged. He had spent more than ₹1,00,000/- on his treatment and remained in the Civil Hospital, Kharar upto 26.02.2010 and resultantly claimed compensation. The appellants, in their reply, had admitted that a non-fatal accident had occurred at point 'B' of the sketch, for which no instructions had been imparted by the J.E. incharge of the work and minor injuries suffered by the claimant were a result of accident that occurred due to negligence on his part. It was further admitted that the claimant was working with the respondent and was drawing full salary. Keeping in view the disability certificate produced on record as Ex.P2 issued by the Civil Surgeon, Rupnagar whereby his disability was taken as 40% and permanent in nature and the recommendation letter dated 10.08.2011 written to the S.D.O. Kharar (City) and while taking into account another letter dated 04.10.2011 (Exs.P3 and P4) wherein the officials themselves had written that his medical bills be cleared since he was an accident victim, the Commissioner came to the conclusion that the claimant met with an accident which caused disability which was arising during and in the course of his employment. It was also noticed that he remained admitted in the hospital from 11.02.2010 to 26.02.2010 (Ex.P5). Resultantly, by applying the relevant factor of 166.29 and assessing his age as 46 years, the wages were calculated at ₹8000/- which is the maximum limit as provided under Explanation II to Section 4(1) of the Act and a sum of ₹3,19,277/- has been awarded.

Counsel for the appellants has vehemently submitted that the

other employees as such had not been injured and the accident did not arise out of the course of employment.

As noticed, the Commissioner has taken into account the relevant evidence on record and came to a valid conclusion since the disability certificate had also been issued by the Civil Surgeon, Rupnagar. It is not disputed that the claimant is an employee as such of the appellants and, therefore, if in the course of his employment and due to the accident, he has suffered injuries which led to disablement, the Commissioner was well justified in granting the compensation. Merely continuing in service as such would not dis-entitle him to claim his legal rights. No substantial question of law as such, thus, arises in the present appeal and the same is not liable to be entertained in the absence of any such substantial question of law. Even otherwise, the appeal is time barred and no sufficient cause as such has been shown to condone the delay also.

Resultantly, this Court is of the opinion that there is no merit in the present appeal and the applications for condonation of delay and the main appeal are dismissed. The amount of compensation which has now been deposited on 21.03.2017 be disbursed to the claimants.

05.04.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No