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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 03rd August, 2017

+ **FAO 193/2016**

RUCHI MEHROTRA

..... Appellant

Through: **Mr. Inder Jit Singh and Mr. Bijay Kumar, Advocates**

versus

THE DY LABOUR COMMISSIONER & ANR Respondents

Through: **Ms. Urvashi M. Uppal proxy for Mr. Devesh Singh, Advocate for respondent No.1**
Mr. S.K. Sinha, Advocate for respondent No.2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the order dated 09th February, 2016 whereby the appellant's application for compensation has been dismissed by the Commissioner, Employees' Compensation.
2. The appellant is the widow of late Sandeep Mehrotra, Joint Regional Manager of respondent No.2, drawing a salary of Rs.77,586/- per month. On 08th April, 2012, Sandeep Mehrotra came from Nagpur to Delhi and he left Delhi on 12th April, 2012 for Nagpur. On 16th April, 2012, Sandeep Mehrotra and Mr. Rohit Srivastava, Area Manager of respondent No.2, went to Bhusawal by train for official work. They reached Bhusawal at 2:30 P.M.

and stayed at Hotel Aditya where Sandeep Mehrotra suffered a heart attack which resulted in his death. The appellant filed an application for compensation claiming that the deceased was under the stress and strain due to the employment and, therefore, it is an accident during the course and arising out of his employment.

3. The Commissioner, Employees' Compensation held that the deceased had gone for inspection at about 06:30 P.M. on 16th April, 2012 and had taken his dinner at 7:45 P.M. and at around 10:00 P.M. while he was watching television in his room, he suffered a heart attack and he did not die during the course of his employment.

4. Learned counsel for the appellant urged at the time of the hearing that the deceased suffered heart attack due to the stress and strain of his employment while he was on official tour. Therefore the death of Sandeep Mehrotra arose out of and during the course his employment with respondent no.2.

5. Learned counsel for the respondent urged at the time of the hearing that the heart attack suffered by the deceased is not an accident. It is further submitted that there is no nexus between the heart attack and the employment.

6. In the present case, the deceased had gone on a tour to Bhusawal along with his colleague on 16th April, 2012; he completed his official work by about 07:30 P.M.; returned back to the hotel thereafter; took dinner at 07:45 P.M.; and was watching T.V. at 10:00 P.M. when he suffered heart attack. No material has been placed on record to show that any stress or strain was involved in his work or the heart attack was a result of the nature of job. There is no casual connection or nexus between employment and the

death due to heart attack. In that view of the matter, the appellant is not entitled to any compensation from the respondent.

7. There is no merit in this appeal, which is hereby dismissed.

AUGUST 03, 2017

Rsk

J.R. MIDHA, J.

