

FAO No. 1121 of 1993 (O&M)

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

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**FAO No. 1121 of 1993 (O&M)
Date of Decision : 19.2.2018**

**SUPERINTENDING ENGINEER AND ANOTHER
...APPELLANTS**

VS

**SHAKUNTLA AND OTHERS
....RESPONDENT S**

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sushil Gautam, DAG, Haryana.

Mr. M.R.Verma, Advocate
for the respondents.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the award dated 22.3.1993 passed by the Commissioner under the Workmen Compensation Act, 1923 awarding an amount of Rs.84716/- to the legal representatives of deceased-Sawant Singh who is stated to have been died while working on the construction of a bridge. The only ground taken by the learned Deputy Advocate General is that as per the contract there was a specific condition in the contract that in the event of any compensation to be paid to any workmen the same would be the liability of the respondent No.-2 contractor. Consequently, as per the learned DAG though the State-the appellant did not dispute the right of the respondent No.1 to get the compensation it only disputed its own liability to pay the same in view of the stipulation in the contract. I, however find that the respondent No.2- contractor has not been served. In the year 1993 as per record it is stated that he could not be found. The next

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report is of 2009 as per which he had sold the house more than 10 years ago. Learned DAG has prays for one more opportunity to trace the respondent No.2-contractor. In my considered opinion, if they have not able to find respondent No.2-contractor in a quarter century the grant of more time would hardly help.

The appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

19.2.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No