

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

437

FAO No.2508 of 1996 (O&M)

Date of Decision : 2.4.2018

Sohan Lal

...Appellant

vs.

Gian Chand

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Chiranshu Bansal, Advocate
for the appellant.

Mr. Akshay Jindal, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award of the Commissioner under the Workmen Compensation Act, 1923 dated 17.1.1996 dismissing a claim application. Since a very limited ground has been raised further detailed reference of the facts would not be necessary.

Learned counsel for the appellant has argued that the claim application was dismissed on the ground that the claimant was not covered under the definition of 'workman'. In this case some parts of the hand had got amputated while he was operating a chaff cutter machine. Learned counsel for the appellant has relied upon the judgment of this Court in the matter of Joginder Singh vs. Naranjan Singh 1968 ACJ 393 wherein such a person was held to be a workman. Counsel for the respondent is not in a position to cite any contrary judgment.

In the circumstances, the appeal stands allowed and the matter

has now remanded back for assessment of compensation. Parties through counsel are directed to appear before the Commissioner for Employees Compensation, Karnal on 30.5.2018. Since it is a burnt case the parties will complete the record before the Commissioner so that the matter can proceed further.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

2.4.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No