

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-627-1998 (O&M)
Date of Decision : 22.5.2018

Haryana State through Collector, Hisar and another

....Appellants

vs.

Smt. Santosh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Kapil Bansal, DAG, Haryana
for the appellants.

None for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the Commissioner passed under the Workmen's Compensation Act, 1923 Hisar dated 28.11.1997 awarding an amount of Rs. 86,112/- and Rs. 33580/- as interest for the death of Dalip Singh.

The admitted facts are that husband of respondent No.1-Dalip Singh was working as a sweeper with the appellant No.2. It was the case of the respondents that on 3.3.1991 when the deceased-Dalip Singh was burning the debris after sweeping he sustained burn injuries and died during his duty hours. The claim having been allowed the State is before this Court.

Learned Deputy Advocate General has argued that there was no eye witness of the accident. In my opinion, the presence of eye witness is sine qua non. The accident is admitted. In this connection the Commissioner has relied upon the statements of the claimants and of one witness who has

stated that the accident had taken place during the working hours. The Commissioner further noticed that no evidence was led by the appellants that the accident had taken place outside the duty hours.

Learned State counsel is not in a position to show any piece of evidence which the appellants may have proved that the accident took place outside duty hours. He has further argued that the Commissioner has erred in condoning the delay. I find the Commissioner had given reasonable grounds for condoning the delay.

In the circumstances, no fault can be found with the findings of the Commissioner. The appeal stands dismissed.

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

22.5.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No