

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

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**FAO-968-1998 (O&M)
Date of Decision : 23.5.2018**

Shakuntla Devi and another

....Appellants

vs.

Haryana Urban Development Authority and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Tapan Yadav, Advocate
for the appellants.

Mr. Vineet Dhanda, Advocate for
Mr. Kamal Sehgal, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment and award dated 2.3.1998 of the Commissioner passed under the Workmen Compensation Act, 1923 Rewari dismissing an application for grant of compensation for the death of Devinder Singh.

The case set up was that the deceased was working as a Chowkidar at the office of HUDA and had gone on duty in the morning on 14.5.1994 and did not return back and his dead body was found in the premises of the respondent on the next day. The Commissioner found that the postmortem report had revealed presence of organo phosphorus compound in the Viscera and held that the claimants were not entitled to any relief.

Learned counsel for the appellants has argued that the finding

of the Commissioner is wrong because the expression 'accident' defines Section 3 of the Workmen Compensation Act has been given a very expanded definition. That may be so, but in a judgment passed by the the Supreme Court in the matter of *Balwinder Kaur and others vs. State of Punjab* reported as *2015 SCC OnLine P&H 7357* it was held that it was impossible to administer organo phosphorus compound in any edible substance by masking its presence and because of the pungency it cannot be administered by fraud and there is no where contended that there is any mark of injury on the deceased which may point to forcible administration of poison.

In view of the judgment it has to be held that the death could not be caused by 'accident', however expansively it may be defined.

Consequently, the appeal stands dismissed.

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

(AJAY TEWARI)
JUDGE

23.5.2018
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No