

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

FAO No. 2687 of 2018 (O&M)

Date of decision : 14.08.2018

United India Insurance Co. Ltd.

....Appellant

V/s

Jarina & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Pardeep Goyal, Advocate for the appellant.

RAJAN GUPTA J.

Appellant-insurance company has impugned the award dated 29.12.2017 passed by Commissioner under the Employee's Compensation Act, Mewat awarding an amount of ₹11,99,271/- on account of death of Mohd. Nazir and liability has been fastened on it to pay the compensation. Learned counsel for the appellant submits that enough evidence was produced before the tribunal to show that respondents-claimants are not entitled for compensation. According to him, driver of the vehicle in question was not holding any valid driving licence and in the absence of same, appellant-company cannot be fastened with the liability to pay the compensation. Thus, impugned award deserves to be set-aside.

I have heard learned counsel for the appellant.

Brief factual background of the case is that Mohd. Nasir (deceased) was employed as 2nd driver cum-cleaner on vehicle bearing no. PB-08-CH-7427 by respondent no. 5. He was drawing ₹12,000/- as monthly salary. On 15.03.2015, he was coming from Jalandhar to Moga Firozepur on the alleged vehicle and when it reached on Link road HP Basi Rahi, the

said vehicle came in contact with electric wire passing over it. As a result, Mohd. Nasir was electrocuted. He was immediately taken to CHC, Moga where doctors declared him dead. Accordingly, DDR was recorded and post mortem was conducted. A claim petition was preferred before the Commissioner, Employee's Compensation Act, Mewat for grant of compensation. After considering the evidence and documents placed on record, Commissioner held that deceased who was working as conductor under the employment of respondent no. 5 had died during the course of employment and there exists relationship of employer and employee between respondent no. 5 and deceased. It, thus, allowed the claim petition and granted compensation of ₹8,90,840/- to claimants-respondents (legal heirs). Another sum of ₹10,000/- was granted on account of funeral expenses etc. As the vehicle was duly insured, liability to pay the compensation was fastened upon the appellant-insurance company. It also granted interest @ 12% per annum on the amount awarded which comes to ₹2,98,431/- as the insurance company had made default in paying the compensation under the Act within one month from the date of accident. However, liberty was granted to the insurance company to recover the same from respondent no. 5-owner. Accordingly, total compensation of ₹11,99,271/- was granted. I find no infirmity with the award passed by the tribunal. It is evident that deceased who was working as conductor died due to electrocution during the course of employment. Liability to pay the compensation was fastened upon the insurance company as the vehicle was duly insured. I am, thus, of the considered view that tribunal has rightly granted the compensation in the facts and circumstances of the case. No ground to interfere in appellate jurisdiction of this court is made out. Appeal is without any merit and is

hereby dismissed.

As the main petition has been dismissed on merits, application for condonation of delay does not survive.

August 14, 2018
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No