

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

FAO No. 3618 of 2018 (O&M)

Date of decision : 09.07.2018

State of Haryana & anr.

....Appellants

V/s

Sheela Devi

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kapil Bansal, DAG Haryana.

RAJAN GUPTA J.

CM No. 12550-CII of 2018

This is an application seeking condonation of 26 days delay in filing the appeal. For the reasons stated in the application, same is allowed. Delay of 26 days in filing the appeal is condoned.

FAO No. 3618 of 2018

Present appeal is directed against the order dated 28.02.2018 passed by Commissioner under the Employee's Compensation Act, 1923 Karnal awarding an amount 4,98,800/- to respondent no. 1 alongwith 12% per annum interest on account of death of Roshan Lal. Learned counsel for the appellants submits that court below has gravely erred in granting the compensation to the respondent. It has not appreciated the controversy in right perspective. Thus, impugned award deserves to be set-aside.

I have heard learned counsel for the appellant.

Brief factual matrix of the case is that husband of respondent - Roshan Lal was working as peon in the office of appellant no. 2. On 13.02.2015 while on duty, he suffered brain hemorrhage. He was

immediately taken to Ram Chand Memorial Hospital, Karnal for treatment. As his condition deteriorated, he was taken to PGI, Chandigarh. He, however, died on 14.02.2015. A claim petition was preferred by respondent before the Commissioner under the Employee's Compensation Act, Karnal for grant of compensation as deceased died during the course of employment. After considering the evidence on record, Commissioner held that deceased Roshan Lal was working as a peon in the office of appellant no. 2 and died during the course of his employment. It also held that possibility of brain hemorrhage due to heavy work cannot be ruled out. It, thus, granted compensation of ₹4,98,800/- to respondent alongwith interest @ 12% per annum from the date of filing the claim application till the date of order. I find no infirmity with the award passed by the tribunal. The onus would be on respondent to prove the case by leading cogent evidence. During the course of proceedings, tribunal held that deceased Roshan Lal was performing strenuous duty of more than eight hours and as a result he suffered brain hemorrhage which resulted into his death. It, thus, held that he died during the course of employment and due to heavy work. 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, no order needs to be passed in the accompanying application.

July 09, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No