

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

FAO No. 5624 of 2018 (O&M)

Date of decision : 04.09.2018

State of Haryana thr. General Manager, Haryana Roadways, Jhajjar
& anr.

....Appellants

V/s

Satbir Singh

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kapil Bansal, DAG Haryana.

RAJAN GUPTA J.

Appellants have impugned the award dated 11.09.2017 passed by Commissioner under the Employee's Compensation Act, 1923, Rohtak awarding an amount of ₹2,88,905/- to claimant-respondent on account of injuries suffered in the right eye during the course of employment. Learned counsel for the appellants has contended that Commissioner has erred in coming to the conclusion that claimant-respondent has suffered injury during the course of employment. It has completely ignored from consideration the evidence produced on record by the appellants while arriving at a conclusion. Thus, impugned award deserves to be set-aside.

I have heard learned counsel for the appellants.

Brief factual background of the case is that respondent-Satbir Singh was employed as a Mechanic in the office of General Manager, Haryana Roadways, Jhajjar. On 04.06.2009, he alongwith other officials had gone to village Gudiyani with regard to repair of bus bearing registration no. 6120. While repairing, he suffered injuries in his right eye. He was

immediately taken to PGIMS, Rohtak where he remained admitted from

07.07.2009 to 28.07.2009. Despite the treatment, he lost his right eye sight. A claim petition was preferred before the Commissioner, Employee's Compensation Act, Rohtak for grant of compensation. After considering the evidence and documents placed on record, Commissioner came to the conclusion that claimant-respondent who was working as mechanic had suffered injuries in his right eye during the course of employment. It, thus, allowed the claim petition and granted compensation of ₹1,95,206/- to claimant-respondent. It also granted four years interest @ 12% per annum on the amount awarded which comes to ₹93,699/-. Accordingly, total compensation of ₹2,88,905/- was granted. I find no infirmity with the award passed by the tribunal. It is evident that claimant-respondent who was working as mechanic suffered injuries in his right eye during the course of employment. Despite the treatment, he lost his right eye sight permanently. As per disability certificate Ex. AW-2/A, respondent became 30% disable. 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.

Besides State has filed the appeal after inordinate delay of 70 days. Even after filing the appeal, 176 days delay has been occasioned in refilling the same. Both applications are, thus, dismissed.

September 04, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No