

**LPA No. 171 of 2018 (O&M) in
CWP No. 21165 of 2015**

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

**LPA No. 171 of 2018 (O&M) in
CWP No. 21165 of 2015
Date of decision : February 27, 2018**

Dakshin Haryana Bijli Vitran Nigam Ltd. and another

..... Appellants

Versus

Gulab Singh and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA**

**Present:- Mr. Sourabh Goel, Advocate
for the appellants.**

RAJESH BINDAL, J.

The order passed by the learned Single Judge allowing the writ petition filed by respondent No.1 has been impugned by filing the present intra Court appeal.

Respondent No.1 in the present case was employed on contract basis as Assistant Linesman on 18.10.2010 through a contractor. While in process of discharging his duty, he was electrocuted and suffered spinal injury and became 100% disabled.

Keeping in view the aforesaid fact, the learned Single Judge directed that respondent No.1 should be allowed to continue in service on the same terms and conditions as he was employed through the

Contractor. It shall be the duty of the appellant-Nigam to make all payments to him.

The order is sought to be impugned raising the plea that he was not a regular employee. However, the contention is totally misconceived. It could not be denied that even if respondent No.1 had been employed through a contractor, the principal employer remains the appellants. The term, 'employee' as contained in Rule 3 (2) of Dakshin Haryana Bijli Vitran Nigam Ltd. Employees (Conduct) Regulations, 2006 includes a person in the employment of the Nigam on contract basis. Hence, respondent No.1 would be covered under the definition of employee of the Nigam.

Learned Single Judge has further relied upon the judgment of Division Bench of Rajasthan High Court in **Secretary (Admn.), JVVNL, Jodhpur & others Vs. Ashok Kumar and another 2014 (4) DNJ (Rajasthan) 1324**, dealing with the same issue.

As in the case in hand, undisputedly, the respondent-workman had been working for the appellant-Nigam and he suffered injuries during discharge of his duties, mere fact that he had been employed through a Contractor will not absolve the appellants, being principal employer from the rigors of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995,

There is no error in the order passed by the learned Single Judge. The appeal is accordingly dismissed. Consequently, the

application for condonation of delay in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(B. S. WALIA)
JUDGE

February 27, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No