

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

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**RA-83-CII-2018 in
FAO-211-2018
Date of Decision : 07.05.2018**

Bhakra Beas Management Board Appellant

Versus

Mamta and another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Karan Nehra, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

This is a frivolous review application wherein the earlier grounds which did not find favour with the court have again sought to be rehashed. Again it has been sought to be argued that the deceased did not died during his employment. At the cost of repetition it may be remembered that the deceased was a Mason who was working at the construction site for the appellant-BBMB where he was being put up in some accommodation which was provided by the contractor. He died on account of fall which was stated to have taken place at 4 A.M. in the morning and which as per the investigations occurred due to slip on the stairs. In such a case where a person is provided accommodation by the employer and he falls even outside working hours, it would definitely come within the parameters of 'deemed expansion'. Consequently, like on the last occasion this argument is again rejected.

The second repetitive argument is that the presence of alcohol

was detected in the blood and postmortem report and therefore it was sought to be argued that the man was drunk. On the last occasion also, I had noticed that mere presence of alcohol in the blood (as per MLR) without the testimony of the doctor to prove how that much alcohol would have impacted him his motor faculties could not determine the case.

In the circumstances, the present review application is dismissed with costs of Rs.20,000/- which would be deposited in the Mediation and Conciliation Centre of this Court.

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

May 07, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No