

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

C.M.A.No. 1177, 1178, 1184 AND 1185 OF 2005

COMMON JUDGMENT :

Heard learned counsel for the appellant - Insurance Company and learned counsel for the respondents.

These Appeals arise out of the Order dated 11.03.2005 in W.C.No. 81, 78, 80 and 79 of 2004 on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II, Hyderabad, awarding compensation.

The facts are not in dispute. The claimants laid their respective claims for compensation for the death of workmen engaged by the 3rd respondent, on 08.07.2004, during the course of employment in the premises of the 4th respondent, due to electrocution. However, in the course of enquiry, it came to light that the workmen after finishing the work, while washing their hands, got electrocuted on account of short-circuit.

The main contention raised by the Insurance Company is that the accident had not occurred while discharging their duties as workmen and there is no nexus with the accident, as, admittedly, the workmen were washing their hands to go home. In support of his contention, he relied on the judgment of the Supreme Court in ***Regional Director, E.S.I. Corporation v. Francis De Costa***¹.

The argument of the learned counsel for the appellant is liable to be rejected in view of the expanded meaning given to Section 3 of the Workmen's Compensation Act, 1923. If one notices Section 3, the accident is required to have arisen out of and in the

¹ AIR 1997 SC 432

course of the employment. If not for the purpose of carrying out the work at the site of the 4th respondent for and on behalf of the 3rd respondent, the workmen would not have been there at the site and further, it is but natural for the workmen to fresh themselves after completion of work in the work premises. In that view of the matter, it cannot be said that the accident did not occur during the course of employment at the work site.

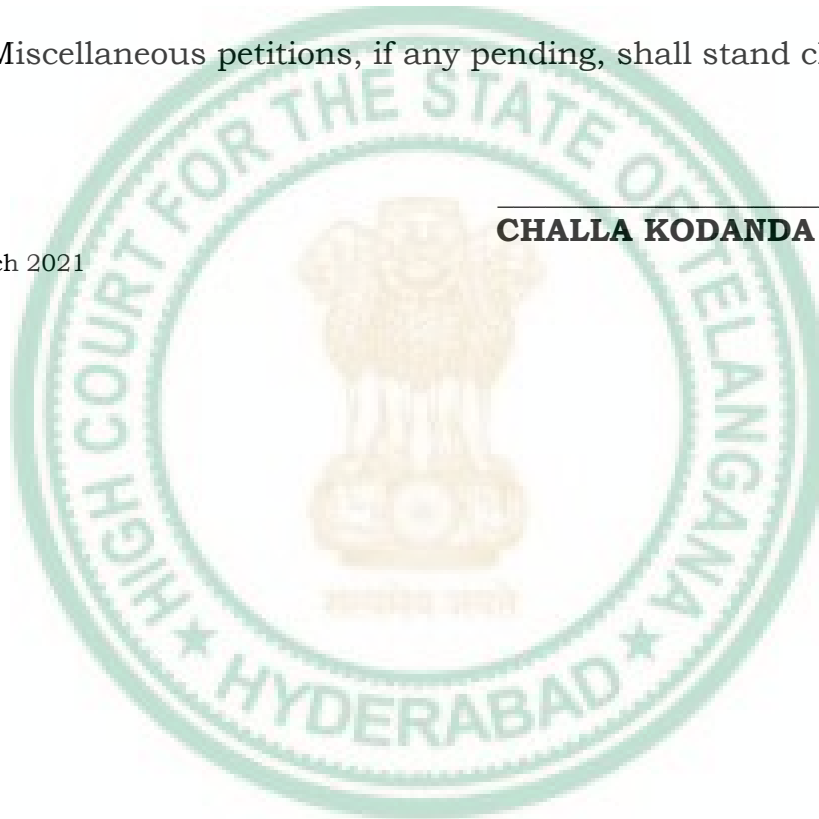
In those circumstances, there is no merit in the Appeals and the same are accordingly, dismissed. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

10th March 2021

ksld

CHALLA KODANDA RAM, J



THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.27777 of 2017

And

WRIT PETITION No.22258 of 2020

26th February, 2021

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