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

CWP-20749-2018**Date of Decision: 27.09.2024****VISHNU KUMAR**

..... Petitioner

*Versus***STATE OF HARYANA AND ORS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

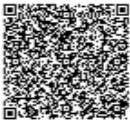
Present : Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 21.07.2016 (Annexure P-4) and 30.05.2017 (Annexure P-5) passed by respondent whereby claim of petitioner under Employees' Compensation Act, 1923 (for short '1923 Act') has been declined.

2. Father of the petitioner was working with respondents No.3 and 4. He passed away in harness. He was covered by The Employees' State Insurance Act, 1948 (for short '1948 Act'). The petitioner preferred an application before Competent Authority seeking compensation under 1923 Act. The said application was rejected on the ground that as per Section 53 of 1948 Act, an employee who is covered by said Act cannot claim compensation under 1923 Act. Section 53 of 1948 Act specifically provides that an insured person or his dependents shall not be entitled to receive or recover any compensation or damages under 1923 Act.



Section 53 of 1948 Act is reproduced as below:

“53. Bar against receiving or recovery of compensation or damages under any other law- An insured person or his dependents shall not be entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under the Workmen's Compensation Act, 1923 or any other law for the time being in force or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act.”

3. On being confronted with aforesaid section, learned counsel for the petitioner expressed his inability to controvert applicability of said section to the instant petition.
4. In view of specific bar created by Section 53 of 1948 Act, the petitioner is not entitled to compensation under 1923 Act, thus, authorities have rightly rejected claim of the petitioner.
5. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.09.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No