

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-22310-2023 (O&M)
Date of Decision: 06.02.2024

SURENDER SINGH
V/S
---PETITIONER

UNION OF INDIA AND OTHERS
--- RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.R.D.Bawa, Advocate
Mr. Samuel Gill, Advocate
Mr. Dipanshu Kapur, Advocate
for the petitioner.

Mr. Shivoy Dhir, Sr.Panel Counsel
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to the respondents to release lump-sum compensation in terms of Employees Compensation Act, 1923 (for short, '1923 Act').
2. The petitioner, on 25.08.1987, joined General Reserve Engineer Force known as Boarder Road Organisation. The petitioner suffered from HEMIPARESIS. The said disease was diagnosed by Senior Medical Officer, General Hospital, Rohtak. The petitioner was declared 90% disable. The petitioner is still working with respondent.
3. Learned counsel for the petitioner submits that the petitioner falls within the definition of 'workman' as contemplated of 1923 Act, thus, he is entitled to compensation payable under the said Act. The petitioner has suffered 90% disability during service, thus, he is eligible to compensation

under 1923 Act. The petitioner in alternative is entitled to extraordinary pension if he is not declared workman.

4. On being asked, whether Chief Engineer who is competent authority under the 1923 Act, has passed order rejecting claim of the petitioner, learned counsel for the respondents submits that the petitioner served legal notice upon respondents which has been replied by communication dated 21.12.2022 (Annexure P-11). The said communication has been signed by Colonel for Chief Engineer.

5. From the perusal of communication dated 21.12.2022, it transpires that it is reply to legal notice and it has been signed by Colonel for Chief Engineer. There is no order on record passed by Chief Engineer.

6. Concededly, the order of compensation under 1923 Act, in case of employees of GREF, has to be passed by Chief Engineer. In the absence of order passed by Chief Engineer, this Court cannot adjudicate question of applicability of 1923 Act to the petitioner or his entitlement to extraordinary pension.

7. In the wake of above-noted facts and circumstances, the present petition is disposed of with a direction to the Chief Engineer to consider claim of the petitioner and pass an appropriate order in terms of 1923 Act. The Chief Engineer would be free to decide all the question arising under the said Act. Needful shall be done within three months from today.

8. Pending miscellaneous applications, if any, also stand disposed of.

06.02.2024

anju

(JAGMOHAN BANSAL)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No