



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

140

**FAO-5264-2024 (O&M)
Date of decision : 11.11.2024**

Ashok Dutta**..... Appellant**

versus

Sunita and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Lajpat Rai Sharma, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Employer is in appeal aggrieved of order passed by Commissioner under the Employee's Compensation Act, 1923 whereby claimants have been granted compensation amounting to Rs.5,76,408/- on account of death of Som Nath, who was employed as farm labour with the appellant.

2. As per the case of the claimant, on 29.04.2011 at about 09.00 p.m., when Som Nath was cutting podder, electricity went off. On the asking of respondent No.1, Som Nath went to check the fuse on the electricity pole and came in contact with naked electricity wire. Suddenly, power was switched on and he got electrocuted. He scummed to his injuries. Claimants thus, claim that deceased Som Nath died in an accident arising out of and during the course of employment.

3. The appellant-employee filed written statement admitting the factum of employment. It was claimed that deceased died of electric shock due to his own negligence and the claimants had no locus to invoke



the provisions of Employee's Compensation Act, 1923. Respondent No.1 admitted that Som Nath got electric shock at his premises, but asserted that it was he, who took him to hospital and paid Rs.10,000/- to the family of the deceased for the treatment.

4. On the basis of the pleadings, Commissioner framed following issues:-

- “1. Whether Sh. Som Nath since deceased was the employee of respondent at the time of the accident as alleged? OPA*
- 2. Whether applicants are entitled to the amount claimed, if so with what detail? OPA*
- 3. Whether the claim petition is maintainable under the provision of employee compensation act as alleged in the preliminary objection or not? OPR*
- 4. Relief.”*

5. After analysing the evidence brought on record by the periods threadbare, Commissioner allowed the claim application awarding claimants, a compensation of Rs.5,76,408/-.

6. Learned counsel for the appellant has assailed the impugned order passed by the Commissioner submitting that the deceased was more than 55 years of age and the amount awarded by the Commissioner is on higher side.

7. I have heard counsel for the appellant and have carefully gone through the records of the case.

8. As per Section 3 and 4 of the Employees Compensation Act, the compensation awarded under the 1923 Act is based upon calculation as provided under the statute. Commissioner after taking into consideration monthly income of the deceased, his age and the relevant factor as provided under the statute, calculated compensation and awarded the same accordingly. There being no question of law involved much less



substantial question of law as required under Section 30 of the 1923 Act, this Court finds no merit in the present appeal and the same is ordered to be dismissed.

9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

11.11.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No