

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP No. 18941 of 1997 (O&M)

Date of Decision : 19.03.2025

Punjab State Electricity Board through its Chairman, Patiala and
others

...Petitioners

Versus

The Commissioner, Workman Compensation and Assistant Labour
Commissioner, Sangrur, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

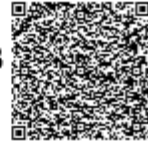
Present: Mr. R.G. Chandiwalla, Advocate for
Mr. A.S. Kang, Advocate for the petitioners.

Mr. Parveen Kumar Garg, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 15.05.1995 (Annexure P-3) passed by the authority exercising jurisdiction under the Workmen's Compensation Act, 1923 (hereinafter referred to as '1923 Act').

2. Learned counsel appearing on behalf of the petitioner-Board submits that in the impugned Award itself, it has been stipulated that there was no master and servant relationship between the petitioner-Board and the victim as he was the employee of one Balwinder Singh and, therefore, under the 1923 Act, a claim can only be raised against the employer and not against a third party hence, the recording of the finding by the authority concerned vide its impugned order that the respondents are directed to



jointly and severally pay a compensation of ₹84,716/- along with the interest is incorrect.

3. Learned counsel appearing on behalf of the respondent No. 2-workman concedes the factum that as per Issue No. 3 framed in impugned order, the deceased employee has been treated to be the employee of one Balwinder Singh but submits that as he was working with Balwinder Singh and died due to the faulty wires installed by the petitioners, the petitioner-Board has also been made liable, which order passed by authorities concerned under 1923 Act should be upheld.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, this becomes an undisputed fact that there was no master and servant relationship between petitioner-Board and the victim and the claim by the family of victim was raised under Section 22 of the 1923 Act, the said provision only envisages compensation from the employer and not from the third party. Nothing has been brought before this Court to show that under the 1923 Act, the third party is also liable to pay.

6. Without appreciating the provisions of 1923 Act while granting the relief to the victim against the petitioners dispute recording a fact that there is no master and servant relationship between the petitioners and the deceased employee, the liability has been put upon the petitioners is not in accordance with the provisions of 1923 Act. The liability could have only been put upon Balwinder Singh who was the employer of the Victim under 1923 Act.



7. Keeping in view the above, the impugned Award dated 19.09.1995 (Annexure P-5) is modified only to the extent that victim will be entitled to claim the benefit against Balwinder Singh as grant in the impugned Award and not against the petitioners.

8. Petition is disposed of in above terms.

9. Pending miscellaneous application, if any, also stands disposed of.

March 19, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No