



141

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

FAO-4053-2025 (O&M)

Decided on : 07.07.2025

IFFCO TOKIO General Insurance Co.

....Appellant

Versus

Neeraj Devi & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Sachin Ohri, Advocate for the appellant.

PANKAJ JAIN, J. (ORAL)

1 Insurance company is in appeal aggrieved of the order dated 13.03.2025 passed by the Commissioner, Palwal under the Employee's Compensation Act, 1923 (for short 'the 1923 Act') whereby claimants have been awarded compensation of Rs.14,17,750/- on account of death of Anil Kumar.

2 As per the claimants, deceased Anil Kumar was employed with respondent No.1 and was working as Driver on Car bearing No.HR-50C-6361. On 27.06.2021, deceased Anil Kumar went to Shikohabad on the asking of his employer. On 28.06.2021 the Car developed a mechanical snag and did not start. As instructed by his employer Anil Kumar went on his motor cycle to Palwal to bring mechanic. On the way he met with accident and died on the spot.



3 Counsel for the appellant has raised two fold submissions. He submits that the whole claim of the claimants gets falsified by admission made by PW-1 Janved Singh, father of the deceased while testifying before the Commissioner. He admitted that Anil Kumar was riding his own motorcycle when he met with accident. Argument raised is that if Anil Kumar had gone to Shikohabad for work of his employer where the vehicle developed technical snag, how Anil Kumar could ride his own motorcycle. He refers to statement of Janved Singh appended to the appeal as Annexure A-2.

4 The argument raised is misplaced and the same deserves to be rejected. The precise case pleaded is that the deceased Anil Kumar himself was resident of Shikohabad. It is on account of call of his duty and on the instructions of his employer that he went to his native village where the vehicle developed a snag. It was in these circumstances that he was riding his own motorcycle to fetch mechanic from the nearby town of Hodal.

5 The other plea raised is with respect to jurisdiction of the Commissioner. The claim petition was filed by claimants before Commissioner at Palwal. Section 21 of the 1923 Act deals with venue of proceedings and transfer and reads as under :-

Section 21. Venue of proceedings and transfer.

1[(1) Where any matter is under this Act to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before the Commissioner for the area in which--

(a) the accident took place which resulted in the injury; or

(b) the [employee] or in case of his death, the dependant claiming the compensation ordinarily resides; or



(c) the employer has his registered office:

Provided that no matter shall be processed before or by a Commissioner, other than the Commissioner having jurisdiction over the area in which the accident took place, without his giving notice in the manner prescribed by the Central Government to the Commissioner having jurisdiction over the area and the State Government concerned:

Provided further that, where the [employee], being the master of a ship or a seaman or the captain or a member of the crew of an aircraft or an employee in a motor vehicle or a company, meets with the accident outside India any such matter may be done by or before a Commissioner for the area in which the owner or agent of the ship, aircraft or motor vehicle resides or carries on business or the registered office of the company is situate, as the case may be.

(1A) If a Commissioner, other than the Commissioner with whom any money has been deposited under section 8, proceeds with a matter under this Act, the former may for the proper disposal of the matter call for transfer of any records or money remaining with the latter and on receipt of such a request, he shall comply with the same.]

(2) If a Commissioner is satisfied 3[that any matter arising out of any proceedings pending before him can be more conveniently depth with by any other Commissioner, whether in the same State or not, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by his for the benefit of any party to the proceedings:

[Provided that the Commissioner shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lump sum without giving such party an opportunity of being heard:]



(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act, inquire there into and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it, was referred shall decide the matter referred in conformity with such report.

[(5) The State Government may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it.]”

6 Section 21 (1) (c) of the Act explicitly provides that the claim petition can be filed by the claimant at a place where the employer has his registered office. While explaining the import of Section 21 (1) of the Act and the amendment made by amending Act No.30 of 1995, Supreme Court in ***Morgina Begum Vs. MD, Hanuman Plantation Ltd., (2007) 11 SCC 616*** observed as under :-

“6. xxx xxx xxx The Amended Section 21 has been specifically introduced in the Act by Amending Act No. 30 of 1995 with effect from 15th September, 1995 in order to benefit and facilitate the claimants. The Statement of Objects and Reasons for the Amendment of the Act, a copy of which has been produced before us, clearly mentions that the amendment has been brought about for benefits of the claimants viz. either the workmen or their dependents. The relevant portion of the Statement of Objects and Reasons, reads as under:-

"It is also proposed to introduce provision for facilitating migrant workmen to file compensation claims before the Commissioners having jurisdiction over the area where they or their dependents ordinarily reside. Provision for transfer of compensation from one Commissioner to another has also been made."

7. The idea behind introduction of this amendment is that migrant labourers all over the country often go elsewhere to earn their livelihood.



When an accident takes place then in order to facilitate the claimants they may make their claim not necessarily at the place where the accident took place but also at the place where they ordinarily reside. This amendment was introduced in the Act in 1995. This was done with a very laudable object, otherwise it could cause hardship to the claimant to claim compensation under the Act. It is not possible for poor workmen or their dependents who reside in one part of the country and shift from one place to another for their livelihood to necessarily go to the place of the accident for filing a claim petition. It may be very expensive for the claimants to pursue in such a claim petition because of the financial and other hardship. It would entail the poor claimant traveling from one place to another for getting compensation. Labour statutes are for the welfare of the workmen.

8. *This Court has in the case of **Bharat Singh v. Management of New Tuberculosis Centre, New Delhi and Ors.**, [1986] 2 SCC, 614 has taken the view that welfare legislation should be given a purposive interpretation safeguarding the rights of the have-nots rather than giving a literal construction. In case of doubt the interpretation in favour of the worker should be preferred.”*

7 In view of above, it is clear that as per the mandate of the provision, the claimant can apply before the Commissioner having jurisdiction over the area where the employer has its registered office and it is not always necessary to prefer claim petition where the accident has taken place.

8 As per the contents of the claim petition, deceased Anil Kumar was employed with respondent No.1-Sahabuddin. Sahabuddin is resident of Naurangabad, District Palwal. Deceased was employed as Driver at Naurangabad.

7 In view thereof, the plea raised with respect to jurisdiction of the Commissioner is misplaced. The same *sans* merits and is hereby rejected.



8 Finding no merits in the present appeal, the same is ordered to be dismissed.

07.07.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No