IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

FAO (WCA) No. : 419 of 2016
Decided on : 30.10.2026

The State of H.P. & Ors. ...Appellants

Versus

Savita Kumari & Ors. ...Respondents

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the appellants	:	Mr. Mohinder Zharaick, Mr. H.S. Rawat, Additional A.Gs., with Mr. Rohit Sharma, Deputy A.G.
For the respondents	:	Mr. Lakshay Thakur, Advocate.

Virender Singh, Judge (Oral)

The appellants are before this Court under Section 30 of the Employee's Compensation Act, 1923 (hereinafter referred to as 'the Act'), against the award dated 14.12.2015, passed by learned Commissioner, Palampur, exercising the powers under the Act, (hereinafter referred to as 'the Commissioner'), in WCA No. 1/2013 (Registration No. 30/2013), titled as "Savita Kumari and others Versus State of H.P. and others".

2. By way of the award dated 14.12.2015, the petition under Section 22 of the Act, preferred by respondents No. 1 to 3, was allowed by the Commissioner,

[1] *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

by awarding a sum of Rs. 7,78,560/-, along with interest at the rate of 12% per annum, from 26.11.2012, till actual realization of the amount, by fastening the ultimate liability to pay the compensation amount along with interest upon the State/present appellants.

3. For the sake of convenience, the parties to the present *lis,* are, hereinafter referred to, in the same manner, as were, referred to, by the learned Commissioner.

4. The petitioners have filed the petition seeking the amount of compensation under the Act, on account of death of Sh. Sanjay Kumar, during the employment as Chowkidar, with the respondents.

5. In nutshell, it is the case of the petitioner that Sh. Sanjay Kumar died due to electrocution on the intervening night of 24/25.10.2012, while he was performing his duty as Chowkidar at Pump House, under the direct control of the respondents.

6. When put to notice, this petition has been contested by the respondents, in which, the factum of relationship of employee and employer, has been admitted, but, a defence has been taken that the incident of

electrocution, has not taken place during the course of employment.

7. After giving the opportunity to lead evidence, the said petition has been decided, as per the order, which has been challenged, before this Court, by granting a sum of Rs. 7,78,560/- along with interest at the rate of 12% per annum from 26.11.2012.

8. The appeal preferred by the appellants, has been admitted on the following substantial question of law:-

1. Whether there exists the relationship of employer and employee, between the parties to the lis?

9. Perusal of the record shows that in the reply itself, it has been admitted that there exists relation of employee and employer between the parties. Relevant portion of para 2 of the reply, on merits, is reproduced, as under:-

> *"2. That the contents this para calls for no reply, being matter of record. It is however made clear that the deceased Sanjay Kumar was the regular employee of the department and was drawing a regular salary since 23.12.2006. In fact the services of the deceased Sanjay Kumar were regularized (after he the above named Sanjay Kumar) rendered eight year of the continues service. The copy of the joining report is filed herewith for the kind perusal of the Hon'ble Court. The deceased was governed by the service Rules which are applicable to the other regular Govt. employees. The factum of the*

deceased Sanjay Kumar being regular Govt. employee has deliberately & intentionally been concealed by the applicants, as such the applicants are not entitled to any relief from the Hon'ble Court."

10. Once, the relationship of employer and employee has been admitted, then, it does not lie in the mouth of the appellants to say that the deceased was not their employee/workman.

11. In view of the above, the substantial question of law, as framed by this Court is answered accordingly. Consequently, the appeal is dismissed, so also the pending application(s), if any.

12. Record be sent back.

(Virender Singh)
Judge

30th October, 2026
(*Pramod Kumar*)