



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

251

**FAO-996-2019 (O&M)
Date of decision : 03.02.2026**

Raseed**..... Appellant**

versus

Charanjeet Singh and another**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate
for the appellant.

Mr. Chandan Deep Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. Present appeal is directed against order dated 07.02.2017 passed by Commissioner under Employees' Compensation Act, 1923, whereby the claimant who was working as a driver has been awarded compensation of Rs.3,58,798/- taking his permanent disability of 35% into consideration.

2. Counsel for the appellant submits that instead of permanent disability suffered by the claimant, it is his functional disability that ought to have been taken into consideration. The disability certificate reads as under:-

“Comminuted displaced Fracture of middle 1/3rd of shaft of tibia and displaced fracture of shaft of upper 1/3rd of fibula with soft tissue swelling seen.

- Joint space appear normal.
- No evidence of Lytic, Sclerotic Lesion, Bony erosion or Periosteal Reaction noted.”



3. In *Pratap Narain Singh Deo vs. Srinivas Sabata (1976) 1*

SCC 289, Supreme Court observed as under:-

“5. The expression "total disablement" has been defined in section 2(1)(l) of the Act as follows:

" "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement."

It has not been disputed before us that the injury was of such a nature as to cause permanent disablement to the respondent, and the question for consideration is whether the disablement incapacitated the respondent for all work which he was capable of performing at the time of the accident. The Commissioner has examined the question and recorded his finding as follows:

"The injured workman in this case is carpenter by profession....By loss of the left hand above the elbow, he has evidently been rendered unfit for the work of carpenter as the work of carpentry cannot be done by one hand only."

This is obviously a reasonable and correct finding. Counsel for the appellant has not been able to assail it on any ground and it does not require to be corrected in this appeal." ”

4. Keeping in view the injury suffered by the claimant, he is treated to be functionally disabled to the extent of 50%.

5. Thus, the compensation payable shall be **Rs.8000 x 253.57 x 60/100 x 1/2 = Rs.6,08,568/-**.

6. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

03.02.2026
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No