

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****201****FAO-1768-1998 (O&M)****Date of decision: 09.01.2026****Ved Pal****...Appellant(s)****Vs.****Employees State Insurance Corporation****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Akash Agarwal, Advocate for
Mr. Rakesh Nagpal, Advocate for the appellant.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant against the dismissal of his Claim Petition by the learned Civil Judge (Senior Division), Bhiwani (Exercising powers of Judge, Employees' Insurance Court) vide judgment dated 16.05.1998.

2. It is *inter alia* submitted by learned counsel for the appellant that the appellant is a workman and was working in the T.I.T. Mill, Bhiwani and is a member of the State Insurance Scheme. Learned counsel submits that during the course of employment, appellant had suffered fracture in an accident dated 03.09.1981. Subsequently, appellant had suffered another fracture 10 years later, on 10.11.1991, as a result of which, appellant had been rendered 20% permanently disabled. Appellant had produced Certificate Ex.PW2/A issued by Dr. N.S.Chadha PW2 who had deposited on oath that he had medically examined the appellant on 21.08.1996 and had found that the appellant has suffered 20% permanent



disability. Learned counsel contends that accordingly, appellant was entitled to compensation. It is contended that there is decrease in the working capacity of the appellant, as a result of which, appellant is getting Rs.500/- per month less than his similarly situated colleagues. Sometimes, he is unable to go to work especially in the winter and rainy season. Thus, the learned Court below was in error in dismissing the claim petition of the appellant. He accordingly prays that the present Appeal be allowed; and the impugned judgment dated 16.05.1998 be set aside.

3. No other argument is raised on behalf of learned counsel for the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.

4. There are clear findings of fact by the Id. Court below that the appellant had failed to prove that he had suffered any permanent disability on account of the accidents dated 03.09.1981 and 10.11.1991. Appellant had firstly been unable to prove that the said accidents/fractures had occurred during the course of employment. Furthermore, no doubt, appellant had examined Dr. N.S.Chadha PW2 who had deposed that he had examined the appellant on 21.08.1996; whereafter PW2 had issued certificate Ex.PW2/A as per which “..... in his opinion he had suffered 20% permanent disability.” However, in this regard, it is to be noted that the date of accident is 10.11.1991; whereas it is the own case of the appellant that Dr. N.S. Chadha had examined the appellant only on 21.08.1996 i.e. almost 5 years after the accident. Even the present claim petition was filed on 23.04.1993 i.e. after substantial



delay of almost 2 years; and appellant was examined by Dr.N.S.Chadha on 21.08.1996 i.e. 3 years after filing of claim petition on 23.04.1993. Learned Court below has also categorically recorded that Dr. N.S.Chadha has nowhere specifically deposed that appellant had suffered permanent disability.

5. It has also come on record that the appellant was medico legally examined by Medical Board which had issued letter dated 02.06.1992 Ex.P1, as per which, the Board had declared 'Nil' permanent disability of the appellant. Learned Court below has categorically noted in para 12 of the impugned judgment dated 16.05.1998 that the Medical Board had examined the appellant on his own request and, therefore, there was no reason to disbelieve their report. It was accordingly held that the appellant had failed to prove that he had suffered any permanent disability.

6. The appellant had also failed to demonstrate under which provision of law, he was entitled to compensation before the learned Judge, Employees' Insurance Court, Bhiwani. The Court below has correctly observed that the appellant ought to have approached the Labour Tribunal under the Workmen's Compensation Act. Even otherwise, claim petition of the appellant was hopelessly time barred. It was in this background that the claim petition of the appellant was dismissed.

7. I find no error in the above findings and reasoning of the Learned Court below.



8. In view of the above, no ground is made out to interfere in the impugned judgment dated 16.05.1998. The present Appeal is hereby **dismissed.**
9. Pending application(s) if any also stand(s) disposed of.

09.01.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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