

FAO-3595-1999 (O&M)

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

FAO-3595-1999 (O&M)
XOBJC-32-CII-2002
CM-10062-CII-2002 in/and
Decided on : 28.01.2026

The Karnal Co-operative Marketing-cum-
Processing Society Shop No.291, Nai Anaj Mandi
Karnal

....Appellant

Versus

Shri Tilak Raj (Minor) son of Telu Ram

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Anuj Malik, Advocate
for the appellant.

Mr. Saksham Sharma, Advocate for
Mr. Sushil Bhardwaj, Advocate
for respondent No.1.

Mr. Pankaj Attri, Advocate for
Mr. Ravinder Malik, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

CM-10062-CII-2002

Application is allowed, as prayed for.

FAO-3220-2002

1 Appellant-employer is in appeal aggrieved of the order passed by
Commissioner under the Employees' Compensation Act, 1923 (for short, 'the
1923 Act') whereby claim application filed by the claimant seeking
compensation on account of death of Telu Ram has been allowed awarding



compensation of Rs.86,764/-. Employment of Telu Ram with the appellant is not in dispute. Appellant claims absence of causal relationship between death of the deceased and the employment. It has been asserted that the deceased died of natural death and not on account of accident arising out of and during the course of employment.

2 As per the claim application the deceased felt chest pain while on duty. Before he could be given any medical treatment he died while on duty. As per the appellant-employer, the deceased was on duty. At around 2:00 p.m., he felt uneasiness and left for home after seeking permission from the Manager. Later on, it was discovered that the deceased died on account of massive heart attack on the same evening.

3 Commissioner relied upon statement of Ram Sarup who was employed along with the deceased and testified that the deceased died while on duty. His body was carried on in a truck to his native village. To the same effect is the testimony of Raghbir Singh S/o Jog Ram, AW2.

4 Appellant-employer examined Assistant Manager Ishwar Singh as RWI. He reiterated the stand taken by the respondents in the written statement. As per his testimony deceased felt uneasiness while on duty. After availing leave, he left for his home at 2:00 p.m. and died thereafter.

5 Commissioner found that the presence of the deceased on the fateful day in the office is not in dispute. The employer failed to prove any evidence that the deceased left his place of employment at 2:00 p.m. The stand taken by the employer of the deceased having died in the hospital has also remained unproved. Commissioner thus held that the deceased died in



an accident arising out of and during the course of employment and thus the employer was liable to pay compensation of Rs.86,764/- along with interest @ 6% per annum from the date of filing of the application till the date of actual realization.

6 Learned counsel appearing for the appellant has assailed the findings recorded by the Commissioner. He submits that the deceased-Telu Ram died a natural death. In the absence of there being any causal relation with the employment, the Commissioner erred in allowing the application.

7 *Per contra* counsel for respondent No.1-cross objector submits that it stands proved on record that the deceased died while on duty. He further submits that pure finding of fact has been recorded by the Commissioner. In the absence of there being any substantial question of law, re-appreciation of evidence is beyond the scope of appeal under Section 30 of the 1923 Act. He further asserted that the claimant has filed a cross objection seeking enhancement of compensation. The compensation awarded by Commissioner is not in accordance with the statute and the same needs to be enhanced.

8 I have heard learned counsel for the parties and have gone through the records of the case.

9 The employer does not dispute that the deceased Telu Ram reported to his duty on the fateful day. It is being claimed that he availed leave after 2:00 p.m. complaining of uneasiness.

10 RWI Assistant Manager admitted that there is no document to prove that Telu Ram availed half-day leave as alleged. Once the employer



admitted that the deceased was on duty, onus shifted upon the employer to prove that at the time of death the deceased was not on duty. There is no evidence on record apart from bald assertion. The colleagues of the deceased have fully proved the fact regarding death of Telu Ram while on duty and have also testified that dead body of Telu Ram was transported on truck to his native village.

11 This Court does not find any reason to interfere in the well-reasoned findings of fact recorded by the Commissioner. Accordingly, the appeal preferred by the employer *sans* merit and is hereby dismissed in the absence of there being any substantial question of law involved.

12 The cross objections filed by claimant-respondent No.1 regarding enhancement of compensation cannot be accepted. Accident is of the year 1980. The Commissioner has already awarded compensation to the claimant much more than what was payable as per the relevant provisions of statute in the year 1980. Since the amount already stands disbursed, no interference is warranted to reduce the amount of compensation awarded by the Commissioner at this stage.

13 With the aforesaid observations, the appeal as well as the cross objections bearing No. **XOBJC-32-CII-2002** are ordered to be dismissed.

28.01.2026

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No