

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

**FAO No.5417 of 2017 (O&M)
Date of decision : 12.03.2026**

General Manager Haryana Roadways Ballabgarh Depot District Faridabad
and anotherAppellants

Versus

Jai Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Naveen Singh Panwar, DAG, Haryana
for the appellants.

Mr. Jasmer Singh Rozera, Advocate for respondent No.1.

Ms. Vandana Malhotra, Advocate (through V.C.) and
Ms. Manvi Verma, Advocate for respondent No.2/Ins. Co.

PANKAJ JAIN, J. (ORAL)

CM No.17152-CII of 2017

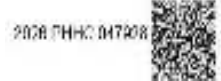
This is an application filed under Section 5 of Limitation Act
seeking condonation of delay of 418 days in filing the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicants/appellants have made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. The delay of
418 days in filing the instant appeal is hereby condoned.

FAO No.5417 of 2017 (O&M)

Employer is in appeal aggrieved of the order dated 17.03.2026
passed by the Commissioner under the Employee's Compensation Act, 1923
(hereinafter referred to as '1923 Act').



2. The claim relates to injuries suffered by claimant/respondent No.1 in an accident arising out of and during the course of employment.

3. The claimant/respondent No.1 was employed as a driver with the appellant. In the accident arising out of and during the course of employment on 20.05.2007, he suffered injuries. On account of which, he was rendered disabled to the extent of 60%. In terms of Exhibit AW-5/A, the claimant was rendered incapacitated from pursuing his vocation and would not be able to drive vehicle in future. Accordingly, the Tribunal assessed his functional disability as 100% and awarded compensation of Rs.8,57,495/-.

4. As per the appellants, the Commissioner erred in taking the functional disability of the claimant Jai Singh as 100% while he was rendered permanently disabled to the extent of 70%.

5. The issue regarding functional disability in the cases wherein the workman has been rendered incapacitated from pursuing his vocation is no more *res integra* and has been answered by Supreme Court in the case of **Pratap Narain Singh Deo v. Srinivas Sabata, (1976) 1 SCC 289** observing 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." ”

- 6. In view of above, this Court finds no reason to interfere in the well reasoned order passed by the Commissioner awarding compensation to the claimant taking into account his functional disability as 100% on account of permanent disability suffered by him owing to the injuries due to an accident arising out of and during the course of employment.
- 7. Finding no merit in the present appeal, the same is accordingly, dismissed.
- 8. Pending application, if any, shall also stand disposed off.

March 12, 2026			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No