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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 372/2017**

ROOPWATI & ORS

.....Appellants

Through: Ms. Binny Sethi, Mr. Amit Kumar,
Advocates.

versus

OKARA EXPRESS & ANR

.....Respondents

Through: Mr. Niyati Jadaun, Advocate for
respondent no.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.03.2026

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1. The present appeal has been filed under Section 30 (1) of the Employee's Compensation Act, 1923(hereinafter referred as the 'Act') assailing the order dated 17.07.2017 passed by the learned Commissioner, Employees' Compensation (District-West), Delhi,
2. *Vide* the impugned order the learned Commissioner dismissed the claim petition primarily on the grounds that the appellants failed to establish the employer-employee relationship and that there was no reliable material to prove that the death of the deceased had occurred out of and in the course of employment; further, it was concluded that the death was not connected with employment.
3. Briefly put, the case of the claimants is that *Prem Pal* (hereinafter referred to as the "deceased") was employed as a driver with respondent no.1 to drive vehicle bearing no. RJ-14-GB-2345 and was drawing last wages of Rs. 15,000/- per month. On 24.03.2015, the deceased loaded goods



from *Faridabad* for transportation to *Alipur, Delhi*. On 25.03.2015 at about 9:00 AM, the deceased was found lying unconscious on the ground on the left side of his truck near *Swaroop Nagar* Bus Stand, Lower Road, GT *Karnal* Road, *Delhi*. Upon information being received, the police authorities took the deceased to *Raja Satyawadi Harish Chander* Hospital, where he was initially provided treatment, however, he was declared dead at about 11:30 PM. The post-mortem report records the cause of death as head injury consequent to blunt force trauma.

4. Learned counsel for the appellant submits that the finding of the learned Commissioner that the employer-employee relationship was not proved is incorrect, especially in light of the clear admission made by respondent no.1. It is further submitted that the learned Commissioner has wrongly held that the death of the deceased did not occur in the course of employment, despite the evidence showing that the deceased was on duty, was last seen with the vehicle, and was found unconscious near the truck. It is also submitted that the post-mortem report clearly records the cause of death as head injury due to blunt force trauma, however, the learned Commissioner wrongly attributed the death to other unrelated factors.

5. *Per contra*, learned counsel for the respondents submits that the impugned order has been rightly passed and does not call for any interference. It is contended that there is no reliable evidence to show that the death of the deceased occurred out of and in the course of employment, as there is no eyewitness to the incident.

6. I have heard the learned counsel for the parties and perused the records.

7. It is noted that respondent no.1 has admitted the existence of



employer-employee relationship with the deceased in his written statement, wherein it has been specifically stated that the deceased was employed by him as a driver and was driving the vehicle in question on the date of the incident. The said admission clearly establishes that the deceased was working under the employment of respondent no.1 at the relevant time.

8. The material on record shows that the deceased was on duty at the relevant time, as he had loaded goods from *Faridabad* for delivery to *Alipur, Delhi* and he was driving the truck owned by respondent no.1. The driving licence of the deceased was also placed on record. It has come on record that immediately before the incident, the deceased had also moved the truck at the request of another driver. Soon thereafter, he was found unconscious on the conductor side of the truck. The post-mortem report further records the cause of death as head injury due to blunt force trauma. In the absence of any evidence to the contrary, it can reasonably be inferred that the deceased suffered the fatal injury while carrying out his duties, possibly while getting down from or attending to the vehicle.

9. It is well-established that the Act is a social welfare legislation and, therefore, it must be given a beneficial construction. The Supreme Court in K. Sivaraman v. P. Sathishkumar¹, has observed:-

“25. The 1923 Act is a social beneficial legislation and its provisions and amendments thereto must be interpreted in a manner so as to not deprive the employees of the benefit of the legislation. The object of enacting the Act was to ameliorate the hardship of economically poor employees who were exposed to risks in work, or occupational hazards by providing a cheaper and quicker machinery for compensating them with pecuniary benefits. The amendments to the 1923 Act have been enacted to

¹ (2020) 4 SCC 594



further this salient purpose by either streamlining the compensation process or enhancing the amount of compensation payable to the employee.”

10. Tested on the anvil of the aforesaid principle, the legislation is a beneficial piece of legislation, and the employer-employee relationship is admitted by the employer. It is further evident that as per the stand taken by the employer in its written statement that the deceased was in possession of a valid driving licence. The records reveal that the body of deceased was found near the truck. The claim has been denied only on the assumption that the death could have been caused for any other reason. In view of the peculiar facts and circumstances, the claim of the appellants is allowed. Accordingly, the impugned order is set aside and the matter is remanded back to the learned Commissioner for assessment and award of compensation.

11. Considering that the claim application pertains to an accident which occurred in the year 2015, the learned Commissioner is requested to prioritise the matter and make an endeavour to assess and disburse the proportionate compensation to the legal heirs of the deceased within a period of two months from today. The parties are directed to appear before the learned Commissioner on 30.03.2026 in the first instance.

12. The present petition stands disposed of in the above terms.

13. A copy of this order be communicated to the concerned Commissioner

MANOJ KUMAR OHRI, J

MARCH 16, 2026/rd