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

**FAO No.673 of 2024 (O&M)  
Date of decision : 10.02.2025**

State of Haryana and others

....Appellants

Versus

Smt. Suman Devi and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Sandeep S. Mann, Addl. A.G., Haryana.

**PANKAJ JAIN, J. (ORAL)**

**CM-2366-CII-2024**

This is an application filed under Section 5 and 14 of Limitation Act read with Section 30(3) of the Employee Compensation Act seeking condonation of delay of 621 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 621 days in filing the instant appeal is hereby condoned.

**FAO No.673 of 2024**

Challenge is to the order dated 7<sup>th</sup> of December, 1999 passed by Commissioner, Bhiwani under the Workmen's Compensation Act, 1923 (hereinafter referred to as 'the 1923 Act').



2. The claimants filed claim petition seeking compensation on account of death of deceased Raj Kumar who was employed as driver on ambulance bearing registration No.HR-61-1454 on contractual basis at Primary Health Cente, Jui Kalan under NHRM programme under the employment of respondents/State and was getting Rs.10,000/- per month as salary. On 17<sup>th</sup> of June, 2014 the deceased died on duty at Primary Health Centre, Jui Kalan on account of heart attack in course of employment.

3. The relationship is not in dispute.

4. The only argument raised is that since deceased died of heart attack, it is a case of natural death and the same would not be covered in an accident arising out of and during the course of employment.

5. I have heard counsel for the appellant and have gone through records of the case.

6. The issue for consideration before this Court is:

*‘Whether the death of the deceased can be said to be during the course of employment?’*

7. The issue w.r.t. vocation of a driver of a commercial vehicle and the resultant cardiac arrest while driving the vehicle already stands addressed by the Apex Court in the case of in the case of **Smt. Dariyao Kanwar and others vs. M/s United India Insurance Co. Ltd. and another, 2023 AIR (Supreme Court) 4161** wherein while dealing with the similar circumstances, Apex Court observed as under:



“8. The Commissioner accepted the application filed by the appellants. It was noticed in the order passed by the Commissioner that, the employer admitted that the deceased was employed as a driver and he was on duty from Delhi to Baroda on 15.09.2003. The wages being paid to him were also admitted. With these facts on records, the Commissioner accepted the application and assessed the compensation at Rs. 3,26,140/- (Rupees three lakh twenty-six thousand one hundred and forty). Aggrieved against the aforesaid order of the Commissioner, the Insurance Company preferred an appeal before the High Court. The arguments raised by the Insurance Company was that there is no material on record to suggest that the death of Sumer Singh occurred due to strain and stress during employment. In case, the deceased employee was already suffering from any existing disease and died on account of that, it cannot be said to be a case of death during the course of employment. The view of the High Court was that there is no relationship between the death and the work being done by the deceased. Hence, the order of the Commissioner was found to be unsustainable.

9. The judgment of this Court in Param Pal Singh's case (supra) relied upon by the counsel for the appellants, comes to their rescue. In that case, the deceased was a truck driver. While on duty, he suddenly suffered health set back and parked his vehicle on roadside hotel. After parking the vehicle, he fainted and was taken to the hospital. He was declared brought dead. An application was filed by the dependents of the deceased for claiming compensation under the 1923 Act. The Commissioner accepted the claim whereas the order passed by the Commissioner was set aside by the High Court. The dependents filed an appeal before this Court. It is noticed in the aforesaid judgment that additional premium was paid for coverage of compensation payable under the 1923 Act.

10. This Court accepted the appeal filed by the dependents of the deceased and found that even if the death had not occurred on account of any accident but the driver was consistently driving the vehicle, there is every reason to assume that long spells of driving



was a material contributory factor, if not the sole cause that accelerated his unexpected death at a young age. Such an untoward mishap can reasonably be described as an accident, only attributable to the nature of employment. In the aforesaid judgment, the employee was 45 years of age. It squarely covers the case of the appellants. The relevant paras of the decision are extracted below:

"29. Applying the various principles laid down in the above decisions to the facts of this case, we can validly conclude that there was causal connection to the death of the deceased with that of his employment as a truck driver. We cannot lose sight of the fact that a 45- year-old driver meets with his unexpected death, may be due to heart failure while driving the vehicle from Delhi to a distant place called Nimiaghat near Jharkhand which is about 1152 km away from Delhi, would have definitely undergone grave strain and stress due to such long-distance driving. The deceased being a professional heavy vehicle driver when undertakes the job of such driving as his regular avocation it can be safely held that such constant driving of heavy vehicle, being dependent solely upon his physical and mental resources and endurance, there was every reason to assume that the vocation of driving was a material contributory factor if not the sole cause that accelerated his unexpected death to occur which in all fairness should be held to be an untoward mishap in his lifespan. Such an "untoward mishap" can therefore be reasonably described as an "accident" as having been caused solely attributable to the nature of employment indulged in with his employer which was in the course of such employer's trade or business.

30. ....In such circumstances, we are convinced that the conclusion of the Commissioner of Workmen's Compensation that the death of the deceased was in an accident arising out of and in the course of his employment with the second respondent was perfectly justified and the



conclusion to the contrary reached by the learned Judge of the High Court in the order impugned in this appeal deserves to be set aside."

(emphasis supplied)

11. Similar view was expressed by this Court in Northeast Karnataka Road Transport Corpn's case. (supra)."

7. In the present case, the deceased was working as an ambulance driver. On the fateful day, while on duty, he suffered a heart attack and died. There is nothing on record to suggest that he was suffering from the ailment prior thereto. Thus, as held by Supreme Court in the case of *Smt. Dariyao Kanwar's* case (supra), long spells of driving if not the sole cause, do contribute materially in such untoward mishaps. Not only this, driving ambulance also cannot be said to be a job free of stress and strains.

8. Thus, in view of ratio of law laid down in *Smt. Dariyao Kanwar's* case (supra), this Court does not find any reason to interfere in the pure finding of facts recorded by the Commissioner exercising powers under the Act of 1923. This is an appeal filed under Section 30 of the 1923 Act. Interpreting the same Supreme Court in **North East Karnataka Road Transport Corpn. Vs. Sujatha (2019) 11 SCC 514** observed as under :-

"11. The appeal provided under Section 30 of the Act to the High Court against the order of the Commissioner lie only against the specific orders set out in clause (a) to (e) of Section 30 of the Act with a further rider contained in first proviso to the Section that the appeal must involve substantial question of law.

12. In other words, the appeal provided under Section 30 of the Act to the High Court against the order of the Commissioner is not like



a Regular First Appeal akin to Section 96 of the Code of Civil Procedure, 1908 which can be heard both on facts and law. The appellate jurisdiction of the High Court to decide the appeal is confined only to examine the substantial questions of law arising in the case.”

9. Keeping in view the provision of Section 30 of the Act of 1923 substantial question of law in the appeal is *sine qua non* to maintain the appeal. There being no question of law involved much less a substantial question of law, this Court does not find any reason to interfere in the instant appeal, the same is ordered to be dismissed.
10. Pending application(s), if any, shall also stand disposed off.

**February 10, 2025**

**Dpr**

**(Pankaj Jain)  
Judge**

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