



FAO-724-1996 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-724-1996 (O&M)

Date of decision :26.05.2025

Mamo Devi & ors.

..... Appellants

versus

Shamsher Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate
for the appellants.

PANKAJ JAIN, J. (ORAL)

1 Challenge is to the order passed by Commissioner under the Workmen's Compensation Act, 1923 (for short the 1923 Act). The claim petition filed by the claimants stands rejected observing as under :-

“After hearing the arguments, I find that vide notification 12321-4-Lab-76/34706 dated 29.12.1976 and additional clause to Schedule-(ii) was added by the State of Haryana and the persons, who were employed for spraying or dusting of insecticides or pesticides in agricultural operation on plantation were brought in the definition of workman as defined under Section 2 (i) (n) of the Act.

After going through the claim application, it is found that the deceased was employed as a Field Labourer and not to spray the insecticides or pesticides in agricultural operation on plantation. The field labourer thus cannot fill within the definition of Section 2(i) (n) of the Act. The above clause was added by the State of Haryana for those persons, who were



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trained to spray and dust out the insecticides and pesticides in agricultural operation on plantation and if these persons die or get disable while spraying and dusting of the insecticides and pesticides in agricultural operation on plantation, then their dependents or he himself, as the case may be, are is entitled to receive compensation under the Act. This claim application does not fall in line of my above observation, therefore, I dismissed the same.”

2 The Commissioner while dismissing the application has tried to make out classification between Field Labourer and the Labour employed for spray and dusting of insecticides and pesticides in the agricultural operation on plantation without there being any such classification existing in the law. In view thereof, this Court finds that the finding recorded by the Commissioner that the deceased having been employed as a Field Labourer does not fall within the definition of workman as contemplated under Section 2(i) (n) of the 1923 Act cannot be sustained and is hereby set aside. The matter is remanded back to the Commissioner to decide the same afresh within a period of three months from the date of receipt of certified copy of the order.

3 The parties shall represent themselves before the Commissioner.

4 Appeal stands disposed off accordingly.

26.05.2025

Pooja Sharma-I

Whether speaking/reasoned:

Whether reportable:

(PANKAJ JAIN)
JUDGE

Yes/No

Yes/No