



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

FAO- 4598-2024 (O&M)

Date of decision : 22.05.2025

M/s Jay Pee Knit Fab

..... Appellant

versus

Smt. Bharti Devi & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Viraj Gandhi, Advocate
Mr. Pritpal Nijjar, Advocate and
Mr. Adarsh Dubey, Advocate
for the appellant.

PANKAJ JAIN, J. (ORAL)

CM-10110-CII-2025

For the reasons recorded in the application, the same is allowed.

Documents Annexures A-8 and A-9 are taken on record.

Main case

1 Challenge is to the order dated 14.08.2024 passed by Commissioner, Circle-IV, Labour Court Complex, Sector-12 Faridabad exercising powers under Employees Compensation Act, 1923 (for short 'the 1923 Act').

2 Claim petition was filed by the claimants seeking compensation on account of death of Pramod Kumar Singh who was working as a Quality Controller with the appellant since 04.07.2022. As per the claimants Pramod Kumar Singh informed his wife that he was feeling dizzy and collapsed. He was rushed to hospital where he died. The claimants claimed



that the deceased was under stress and strain of employment and thus his death is relatable to an accident arising out of and during the course of employment and the claimants are thus entitled for compensation under the 1923 Act.

3 The claim was contested by the respondents. It was pleaded that the deceased was appointed only on 08.07.2022 as a Quality Controller. Incident was admitted. It was admitted that on fateful day the deceased was standing in the quality room when he suddenly collapsed and fell on the floor. However, it was claimed that the accident had no connection with employment and thus the employer had no liability to pay compensation.

4 On the basis of the pleadings following issues were framed :-

“(i) Whether the deceased Sh. Pramod Kumar was died during in the course of employment by accident or by naturally died?”

“(ii) Whether the applicants are entitled to the claimed amount? If so to what effect?”

“(iii)Relief.”

5 Commissioner while allowing the claim relied upon the medical opinion to ascertain cause of death. Medical opinion as per record reads as under :-

“Sudden cardiac arrest due to cardiac pathology coupled with injury as described in PMR. The injury mentioned in PMR could be sustained by fall on some projecting object.”

6 Commissioner accordingly found that one of the reasons that led to death of the deceased was head injury in the premises owned by the employer wherein the deceased was working. It being an injury suffered in



course of employment, the death is relatable to accident arising out of and during course of employment and thus the employer is liable to pay compensation.

7 Mr. Viraj Gandhi, Advocate for the appellant has assailed the findings recorded by the Commissioner. He has relied upon testimony of Dr. Ankit Jain, who appeared as RW-3 and proved prior ailment of the deceased. He further relies upon document Annexure A-9 which is part of the proceedings under Section 174 Cr.P.C., as per which the cause of death was opined by doctors to be “*sudden cardiac arrest due to cardiac Pathology coupled with injury as described in PMR.*”

8 It is the precise document that has been taken into consideration by the Commissioner.

9 Perusal thereof would reveal that even though the fall is on account of cardiac arrest, however, death is solely not due to cardiac arrest but also on account of injury suffered by the deceased in the factory premises.

10 Faced with the situation Mr. Viraj Gandhi, Advocate for the appellant relies upon ratio of law laid down by Supreme Court in the case of *Jyothi Ademma Vs. Plant Engineer, Nellore and anr., (2006) 5 SCC 513, Shakuntala Chandrakant Shreshti Vs. Prabhakar Maruti Garvali & anr., (2007) 11 SCC 668* and *Malikarjuna G.Hiremath Vs. Branch Manager, Oriental Insurance Company Limited & anr., (2009) 13 SCC 405.*

11 There cannot be any quarrel with the proposition canvassed in the binding precedents relied upon by the counsel for the appellant. Trite it is that in order to claim benefit under the 1923 Act, the claimant is required



to prove causal relationship of employment with injury/death suffered by the employee and the same cannot be said to be missing.

12 The specific case pleaded by the claimants was that on the fateful day the deceased called his wife, telling her about he feeling dizzy. It is not in dispute that the deceased was employed with the appellant and the accident occurred within the factory premises. It having come on record that the death was not only because of the cardiac arrest but also on account of the injury suffered by the deceased in the factory premises. This Court finds that the required cause and effect relationship between the injury suffered during course of employment and the death of employee cannot be said to be missing.

13 Pure finding of fact has been recorded by the Commissioner which cannot be said to be perverse or improbable in the light of evidence that has come on record. 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.”



14 In view of above, finding no reason to interfere in the instant appeal, the same is ordered to be dismissed.

15 Pending application(s), if any, shall also stand disposed off.

22.05.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No