

FAO-337-2010 (O&M)

2025.PHHC:117983



239 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-337-2010 (O&M)

Date of decision : 21.08.2025

M/s Chadha Light & Tent House & ors.

..... Appellants

Versus

Smt. Chattan Kaur & anr.

..... Respondents

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

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Present :- Mr. Parveen Chauhan, Advocate  
for the applicants-respondents.

Mr. Sanjeev Manrai, Sr. Advocate  
with Mr. Rohit Bhardwaj, Advocate  
for the non-applicants/appellants.

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

**CM-21673-CII-2024**

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

With the consent of the parties, main case is taken up for  
hearing today itself.

**CM-11117-CII-2010**

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

Cross-objections are taken on record.

**Main case**

1 The Employer is in appeal, aggrieved of the order passed by the  
Commissioner, Panchkula, under the Workmen's Compensation Act, 1923  
(for short 'the 1923 Act').



2 The claimants seek compensation on account of Swaran Singh @ Raju. As per the claimants, Swaran Singh @ Raju was working with respondents in their light and tent house business and was earning Rs.4,500/- per month. He died in an accident on 23.05.2002 during the course of and arising out of his employment with the appellants, due to electric shock and burn injuries suffered by him while installing an iron pipe to facilitate the installation of a tent near Aggarwal Dharamshala, Divider of Sector 16-17 Panchkula.

3 Counsel for the appellants has raised a plea disputing employer-employee relationship. He submits that the deceased had no employer-employee relationship with the appellants. The deceased used to work with many tent houses at Panchkula and Chandigarh on contract and was not an employee of M/s Chadha Light & Tent House.

4 Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that it being evident from the record that the appellants were executing the work of installation of tent near Aggarwal Dharamshala. It is not disputed that the deceased, Swaran Singh @ Raju, was hired by the appellants to install iron pipes. The argument raised by the counsel for the appellants *sans merit* and cannot be accepted.

5 Section 2 (1) (dd) of the 1923 Act, reads as under :-

*“2(1)(dd) "employee" means a person, who is-*

*(i) a railway servant as defined in clause (34) of section 2 of the Railways Act, 1989 (24 of 1989), not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II; or*



(ii) (a) a master, seaman or other members of the crew of a ship,  
(b) a captain or other member of the crew of an aircraft,  
(c) a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle,  
(d) a person recruited for work abroad by a company, and who is employed outside India in any such capacity as is specified in Schedule II and the ship, aircraft or motor vehicle, or company, as the case may be, is registered in India; or

(iii) employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them;]

6 Once it has come on record that Swaran Singh @ Raju was installing the tent for the appellants and was hired on contract, the appellants cannot escape their liability to pay compensation on account of death of Swaran Singh @ Raju.

7 Finding no merit in the present appeal, the same is ordered to be dismissed, and the cross objections stand disposed off.

8 The amount deposited with the Commissioner is ordered to be released in favour of the claimants-respondents.

**21.08.2025**

*Pooja Sharma-I*

Whether speaking/reasoned:

Whether reportable:

**( PANKAJ JAIN )**

**JUDGE**

Yes/No

Yes/No