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

**FAO No.712 of 2025 (O&M)  
Date of Decision : 17.02.2025**

Pushpender Yogi

.....Appellant

Versus

Guddi and another

.....Respondents

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

Present : Mr. Sushil Jain, Advocate  
for the appellant.

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

Challenge is to the order passed by Commissioner under the Employee's Compensation Act, 1923, dated 10.12.2024.

2. Claimant approached Commissioner, Circle-1, Sonapat, seeking compensation on account of injuries and the consequential permanent disability suffered by her in an accident arising out of and during the course of her employment.

3. Claimant claimed that on 16.05.2018 while she was operating machine, she suffered an accident which led to amputation of her right hand rendering her permanently disabled to the extent of 55%.

4. Claim petition was contested by the respondents claiming that the appellant was not owner of the concern working under the name of Krishna Plastic Trading Company where the claimant was employed. Claimant never worked with the appellant. The premises measuring 200 Sq.

Yards was handed over by the appellant to one Sonu on rent for a period of 3 years and the appellant has no knowledge regarding any factory/concern being run from the premises.

5. On the basis of the pleadings, following issues were framed:

- “1. Whether the applicant is entitled to compensation or not, if so then to what extent and from whom?
2. Whether there was relationship of employee and employer in between applicant and respondents or not?
3. Whether the applicant met with accident out of and in course of employment with respondents or not?
4. Relief.”

6. Ld. Commissioner after analysing the evidence threadbare came to the conclusion that the rent note propounded by the employer/appellant was a created document to evade liability. It has no value in the eyes of law. Rather, it is the appellant only, who had employed Sonu as worker. There was a dispute between Sonu and appellant, which was settled before the police authorities. It was the appellant, who paid wages to Sonu in two installments.

7. Ld. Counsel for the appellant has assailed the impugned order asserting primarily that there is no employer-employee relationship between the parties and there is no evidence on record to prove the same. Mr. Jain submits that despite there being no evidence, the Commissioner has still saddled the appellant with liability.

8. The plea raised by Mr. Jain is against the record and the same deserves to be rejected.

9. Mr. Jain does not dispute that appellant appeared as RW-4 and during his cross-examination admitted that Sonu, he is referring to as a tenant, tendered complaint before the police authorities against the appellant for non-payment of wages. The matter was settled after appellant paid wages to Sonu in two installments. The ownership of premises is not denied by the appellant. He claims to have rented out the accommodation to Sonu. No evidence was adduced on record to show that Sonu ever paid any rent to the appellant. The Commissioner rightly held that the rent agreement (Exhibit R-1) was propounded by appellant only with an intent to defeat the rights of the claimant. It has been proved on record that Sonu was one of the workers employed by the appellant, rather than a tenant. Pure finding of fact has been recorded by the Commissioner.

10. Mr. Jain could not point out any evidence on record that was ignored or was misread by the Commissioner. No other point has been raised.

11. 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.”

12. 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.

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

February 17, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No