



140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1694-2024 (O&M)
Date of decision : 29.09.2025

DRM WEST CENTRAL RAILWAY THROUGH DIVISIONAL
PERSONAL OFFICERAppellant

Versus

SUNDRI RAWAT AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rakesh Verma, Sr. Panel Counsel, for the appellant.

PANKAJ JAIN, J. (ORAL)

The present appeal is directed against the order dated 19.01.2024 passed by Commissioner, Ambala under the Employee's Compensation Act, 1923 (hereinafter referred to as the 1923 Act).

2. Claimants filed claim application under the Act of 1923 seeking compensation on account of death of Raghubir Singh, who was working as a Trackman and deputed for patrolling at beat 25/0 to 29/0 Kilometers.

3. As per the claimants, the deceased was deputed for patrolling. While he was going for patrolling in between area of Petrol Pump and Ramganj Balaji, he was hit by an unknown vehicle which led to his death.

4. Counsel for the appellant does not dispute that the deceased was assigned duty of patrolling.



5. This Court had an earlier occasion in **FAO No.940 of 2016** titled as **‘Reliance General Insurance Co. Ltd. vs. Pyari and another’** wherein principle of notional extension was dealt with and following propositions were culled out :

- (i) As a rule, the employment of an employee does not commence until he has reached the place of employment and does not continue after he leaves the place of employment. However, this is subject to the theory of notional extension of the employer's premises;
- (ii) Theory of notional extension connotes that there may be some reasonable extension in both time & place. An employee may be regarded to be in the course of employment even though he had not reached or had left the employer's premises;
- (iii) An employee while on public road or in public place or in a public transport, is present there as a member of public and not in the course of employment unless very nature of the employment necessarily requires for him to be there. The test for determining is “*whether he was within the sphere of area of employment or not*”; and
- (iv) The accident must have a causal connection with the employment.



6. In the light of the proposition culled out herein-above, a workman going for patrolling in the area assigned to him, cannot be said to be not within the sphere of his employment. Any accident suffered by him while going for patrolling falls within the expression of 'arising out of and in the course of employment' as contemplated under Section 3 of the 1923.

6. In view of above, finding no merit in the instant appeal, the same is ordered to be dismissed.

7. Pending application, if any, shall also stands disposed off.

September 29, 2025

**(Pankaj Jain)
Judge**

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No