

(2026) 03 SHI CK 0688

In the High Court Of Himachal Pradesh

Case No : First Appeal From Order No. 01 Of 2014

Teg Ram

APPELLANT

Vs

Deputy Director, Department Of Agriculture & Ors

RESPONDENT

Date of Decision : 12-03-2026

Acts Referred:

Employee's Compensation Act, 1923 — Section 30

Citation : (2026) 03 SHI CK 0688

Hon'ble Judges : Sushil Kukreja, J

Bench : Single Bench

Advocate : Vivek Negi, Manoj Chauhan

Final Decision : Disposed Of

Judgement

Sushil Kukreja, J

1. The instant appeal has been preferred by the appellant, who was the petitioner before the learned Court below, against the award, dated 12.09.2013, passed by learned Commissioner, under Workmen's Compensation Act, Court No. 1, Mandi, District Mandi, H.P., (hereinafter referred to as "the learned Commissioner below"), in WC Petition No. 03/2011, whereby the application filed by the petitioner was dismissed.

2. The brief facts of the case as per petitioner, Teg Ram, are that he was a skilled fitter and got retired from the IPH Department. He was engaged by respondent No. 1 as daily wager for pipes fitting, water tank fitting etc. where he worked w.e.f. 08.04.2010 to 03.05.2010. On 03.05.2010, while the petitioner was in the course of employment with respondent No. 1 and doing the work of water tank fitting on the upper story of the building, he fell down to the ground floor and sustained injuries and suffered 100% permanent disability. The petitioner was shifted to Civil Hospital, Mandi and thereafter to IGMCH, Shimla, where he remained hospitalized w.e.f. 08.05.2010 to 28.05.2010. According to the petitioner, at the time of aforesaid accident, he was 58 years of age and was hail

and hearty and he spent more than Rs. 1,50,000- on his treatment, as such, compensation to the tune of Rs. 6,00,000/- alongwith interest was claimed.

3. The respondents, by filing reply, contested the application and took preliminary objections qua maintainability, jurisdiction, cause of action and that the petitioner has not come to the Court with clean hands. On merits, the respondents have denied that they employed the petitioner as daily wager. It has been submitted that respondent No. 1 invited the Quotations with respect to fitting of pipes underground as well as in the open and for construction of meter chamber. Upon which, three quotations were received for execution of said work and since the rates mentioned by the petitioner were lower than other persons, the work was assigned to him. According to the respondents, the work was executed well before 03.05.2010 and it has been denied that there was any employee and employer relationship between the petitioner and respondent No. 1. It has further been denied that the accident took place during the course of employment of the petitioner with the respondents.

4. On pleadings of the parties, the following issues were framed on 17.01.2012:-

- "1. Whether the applicant is workmen as per the act, as alleged? OPP
2. Whether the accident arose out of or in the course of employers employment? OPP
3. Whether the applicant is entitled for compensation, if so, what amount and from whom? OPP
4. Whether the application is not maintainable, as alleged? OPD
5. Whether the applicant has no cause of action to file the present application, as alleged? OPD
6. Whether the applicant has not come to the Court with clean hands? OPD
7. Relief"

5. After the parties led evidence and after hearing the learned Counsel for the parties, the application filed by the petitioner was dismissed.

6. Feeling dissatisfied, the petitioner preferred the instant appeal under Section 30 of Employee's Compensation Act, 1923 (hereinafter referred to as "the Act") for quashing and setting aside the impugned award, dated 12.09.2013, which was admitted on 10.03.2014 on the following substantial question of law:

"(i) Whether on account of misappreciation of the pleadings and misreading of the oral as well as documentary evidence available on record, the findings recorded by the Court below are erroneous and, as such, the judgment and decree impugned in this appeal being perverse and vitiated is not legally sustainable?"

7. I have heard the learned counsel for the appellant, learned Additional

Advocate General for the respondent/State and carefully examined the entire record.

8. Learned counsel for the appellant contended that the Commissioner below has failed to consider the fact that there was an employee and employer relationship between the appellant and the respondents and the respondents were liable to pay compensation for the injury caused to the appellant during the course of his employment with them. Therefore, he prayed that impugned award dated 12.09.2013, passed by learned Commissioner below be quashed and set aside by allowing the present appeal.

9. Per Contra, the learned Additional Advocate General for the respondent/State contended that the learned Commissioner below has committed no error while dismissing the application filed by the appellant and the present appeal also deserves to be dismissed as there was no employee and employer relationship between the appellant and the respondents as only the quotations were invited for lying and fitting of pipes and for constructions of meter chamber and on the basis of lowest quotation, work was assigned to the petitioner, who engaged other workers and fitters for execution of the work.

10. Therefore, the moot question which arises for consideration before this Court is as to whether the petitioner was an employee under the respondents.

11. To prove his case, the petitioner himself appeared in the witness box as PW-2 and deposed that on 03.05.2010 when he was doing his work on the second storey, he fell down on the ground during the course of his work, which resulted in the fracture in his backbone. Thereafter he was brought to Civil Hospital, Mandi, where he remained admitted since 05.05.2010 from where, he was referred to IGMC, Shimla, where he remained admitted for one month and operation of his backbone was also conducted there. As per the petitioner, he suffered 20% permanent disability in the said accident and thereafter neither he could do the work of plumber nor he could pick up any weight.

12. Conversely, Sh. Man Mohan, Junior Engineer, O/o Deputy Director of Agriculture Mandi, appeared in the witness box as DW-1 and tendered in evidence his affidavit, wherein, he stated that respondent No. 1 invited quotations for lying and fitting of pipes and for construction of meter chamber. Three persons submitted their quotations for execution of the work. Since the rates submitted by the petitioner were lowest, therefore, work was assigned to him. The work was completed by the petitioner within a week and well before 03.05.2010. The entire work was done under guidance and inspection. Since the work was completed before 03.05.2010 by the petitioner with the help of other labourers and fitters, hence there was no employer- employee relationship between the petitioner and respondent No. 1 and accident had not taken place during the course of his employment.

13. From the close scrutiny of entire evidence on record, it has become clear that the petitioner has failed to prove that he was an employee under the

respondents. In his cross-examination, the petitioner admitted that he was assigned the work by the respondents as his quotation was found lowest. He further deposed that he engaged 5-6 labourers and also received payment of Rs. 17,900/-. Thus, from the entire evidence on record, it has become clear that the petitioner was assigned work by the respondents, as his quotation was found lowest and he engaged other labourers and fitters for execution of the work. The perusal of Exts. DW-1/B and DW-1/C reveals that the petitioner has received an amount of Rs. 17,900/- from the respondents in view of the services rendered by him. Hence, it cannot be said that the petitioner was an employee of the respondents and he sustained injuries during the course of his employment with them. Therefore, the petitioner has miserably failed to prove on record the relationship of employee and employer between himself and the respondents.

14. Hence, in view of my aforesaid discussion, this Court does not find any infirmity and illegality in the award passed by the learned Commissioner below. The appeal filed by the appellant being devoid of any merit is dismissed and the impugned award dated 12.09.2013 is upheld.

15. No other point was urged before me.

Accordingly, the appeal is disposed of, so also pending application(s), if any.