

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4593 of 2011 (O&M)
Date of Decision:29.11.2014

Baldev Krishan Anand

....Appellant

Versus

Smt. Savita Devi and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Anil Kumar Garg, Advocate for the appellant.

Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for respondent No.1.

Mr. Ashwani Talwar, Advocate for respondent No.2-
M/s Oriental Insurance Training College.

NAVITA SINGH, J.

1. Compensation was awarded by the Commissioner under the Workmens' Compensation Act for the death of Mukesh Kumar who had admittedly committed suicide.

2. Learned counsel for the appellant and respondent No.2 argued that it was the case of the claimant herself that Mukesh Kumar had committed suicide and, therefore, no compensation was required to be awarded as the law is for compensating for 'accident' as per Section 3 of the old and new Act both.

3. It was further contended by both the counsel that even employment of the deceased under the appellant was not proved and also respondent No.2 was not the insurer of the appellant as it is M/s Oriental Insurance Training College and not the Insurance Company, which was party.

4. It is mentioned in the award itself that the deceased committed suicide in a room allotted to the deceased and his brother who was a canteen contractor, for canteen work. Contractor for the canteen was separate, who was

Rameshwar. It was, therefore, not at all deducible that the deceased was working under the appellant. No evidence was led by the claimant (first respondent herein) to that effect. It is not possible that the appellant, being proprietor of a firm by the name of M/s City Builders, would have employed any person without any record in writing. The statement of the widow alone to that effect was not sufficient. Rather respondent No.2 produced a witness to show that the deceased was not employed by any of the respondents.

5. In any case, even if it be taken that employment of the deceased stood proved, still no compensation could have been awarded because it is the admitted case of the claimant herself that her husband had committed suicide. She tried to cook up a story that he had committed suicide because of the pressure created by his employer but that part is an afterthought and also not proved. Even in that eventuality, the claimant had no case because the employer is not liable for suicide of any employee. If there was direct connection between the alleged employment and suicide, the point might have invited some attention.

6. The appeal is allowed and the impugned order is set aside. The petition filed by respondent No.1 before the Commissioner is dismissed.

(NAVITA SINGH)
JUDGE

29.11.2014
Ishwar

Whether to be referred to reporter: Yes