

**HIGH COURT OF TRIPURA**  
**AGARTALA**

MFA(EC) No.4/2017

Rajjak Miah and Anr.

..... Appellant(s).

Vs.

The Chief Executive Officer, TTAADC and Ors.

..... Respondent(s).

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For Appellant(s) : Raju Datta, Advocate.

For Respondent(s) : Mr. K K Pal, Advocate,  
Mr. Samarjit Bhattacharjee, Advocate,  
Mrs. S Deb(Gupta), Advocate,  
Mr. B Saha, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI**

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29.11.2019

This appeal is filed by the original claimants whose workmen's compensation case TS(E.C.)10/2015 came to be dismissed by the Workmen's Compensation Commissioner. The claimants are father and mother of one Shah Alam Miah who died on 29<sup>th</sup> March, 2014 due to electric shock. The respondent Nos.1, 2 and 3 are Tripura Tribal Area Autonomous District Council(TTAADC) and its authorities. Respondent No.4 was a contractor who had undertaken a work for and on behalf of respondent Nos.1, 2 and 3. Respondent No.5, Tripura State Electricity Corporation, is a formal party.

The case of the claimants was that their son was employed by respondent No.4 in the course of execution of a contract. While repairing a motor pump he accidentally touched live wire and expired.

The claim petition was opposed by above respondents primarily contending that there was no employer-employee relationship between the deceased and the respondent No.4. Workmen's compensation was, therefore, not payable. Neither the factum of death nor the manner of accident was seriously disputed.

The Workmen's compensation Commissioner held that the deceased was merely engaged by respondent No.4 for repairing a motor pump and that there was no employer-employee relationship between them. He referred to the definition of the term 'employee' contained in Employee's Compensation Act and held that the claim petition was not maintainable.

Having heard learned counsel for the parties and having perused the evidence on record, I am broadly in agreement with the view of Workmen's Compensation Commissioner. Even the claimants have not laid any foundation to show that the deceased was in employment of the respondent No.4. The facts are virtually undisputable that on the date of unfortunate incident he was hired by the respondent No.4 for a specific job of repairing a faulty water pump. This would not establish a relationship of employer-employee. In the result, appeal is dismissed.

Pending application(s), if any, also stands disposed of.

**( AKIL KURESHI ), CJ**