

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 1220 of 2022**

**With**  
**CIVIL APPLICATION (FOR STAY) NO. 1 of 2022**  
**In R/FIRST APPEAL NO. 1220 of 2022**

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CHARTERED BUS PVT LTD  
Versus  
STATE OF GUJARAT

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Appearance:

MR MITUL SHELAT FOR MS DISHA N NANAVATY(2957) for the  
Appellant(s) No. 1  
for the Defendant(s) No. 2,3,3.1,3.2,3.3,3.4,3.5  
MS VRUNDA SHAH, AGP for the Defendant(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE GITA GOPI****Date : 12/04/2022****ORAL ORDER**

Mr. Mitul Shelat, learned advocate for the appellant submitted that the judgment and award dated 11.02.2022 passed by the Commissioner for Workmen's Compensation Act (Judge) Labour Court, Ahmedabad, Gujarat, in W.C. Fatal No. 01 of 2016 challenges primarily on the ground that there is no casual connection between death of workman and his employment. Mr. Shelat, learned advocate for the appellant submitted that there is no observations by way of any medical report to conclude that death by way of heart attack occurred due to stress arising out of and in the course of his employment; thus stated that the impugned judgment and award suffers from infirmity.

The substantial questions of law have been raised in this appeal which reads as under:

(i) In absence of any casual connection between the death of the employee and his employment, can the Learned Commissioner entertain and allow an application seeking compensation under the provisions of the Workmen Compensation Act, 1923?

(ii) In absence of any legal evidence to show that the work caused strain and stress to contribute to heart disease, can the Learned Commissioner award the compensation under the provisions of the Workmen Compensation Act, 1923?

(iii) Can the Learned Commissioner award the compensation under the provisions of the Workmen Compensation Act, 1923, on basis of two inconsistent findings pertaining to whether the incident occurred arising out of and in the course of employment?

Considering the issue so raised, **the appeal is admitted.**

**(GITA GOPI, J)**

**ORAL ORDER IN CIVIL APPLICATION NO. 1 OF 2022.**

Mr. Mitul Shelat, learned advocate for the applicant

submitted that the money has already been deposited in accordance to the impugned judgment and award passed by the Labour Court.

**Rule returnable on 06<sup>th</sup> May, 2022.** Learned AGP waives service of rule on behalf of respondent No.1-State. Interim relief in terms of para 8(A) is granted till the returnable date.

A.M.A. SAIYED

**(GITA GOPI,J)**