

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 CIVIL APPEAL NO.900 OF 2005
 (Arising out of SLP(C) No.6897/2004)

SHYAMA DEVI

APPELLANT

VERSUS

UNION OF INDIA & ANR.

RESPONDENTS

O R D E R

Leave granted.

Counsel for the parties are heard on merits of the case.

The appellant's husband was employed as a Switch Man at Rajhara Railway Station of the Eastern Railway in Dhanbad Division. The claim for compensation made by the appellant on the ground that her husband died during the course of his employment was rejected by Commissioner of Workmen's Compensation-cum-Labour Court holding that there was no causal connection between the death and the employment. The order of the Labour Court has been upheld by the High Court by the impugned order by dismissing the appeal.

To appreciate the contention raised on behalf of the appellant that the

deceased employee died in the course of employment, only few facts, as noted by the

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High Court, are required to be stated. On 5.2.1994 at about 4.00 PM, a group of

anti-social elements armed with deadly weapons trespassed the office of the Station

Master at the Railway Station and damaged the railway property. The deceased

Switch Man was on duty between 8.00 AM to 4.00 PM who, just before the

incident, had left the office and reached his quarter. On hearing the commotion and

finding that the office of the Station Master was attacked by a mob, he took out his

licenced gun and proceeded toward the Railway Station. At the Railway Station,

while he was trying to pacify the mob, he suffered lathi blow on his head. He was

taken to the hospital but ultimately died as a result of the said head injury.

On the above facts, there was no justification for the Presiding Officer,

Labour Court for coming to the finding that the death of the deceased workman did

not arise during the course of his employment. Merely because after his duty

period, he had gone to his quarter and come out only after hearing a commotion to

pacify the mob, it cannot be said that his death was not in the course of his

employment. As the facts show, he was courageous enough to come out of his

quarter even after his duty hours to save the railway property. Learned counsel

appearing for the railways, tried to support the order stating that the son of the

deceased has been given compassionate appointment and full service benefits have been paid. In our opinion, there is no ground to deny to his dependents

compensation under the Workmen's Compensation Act, 1923.

So far as quantum of compensation is concerned, the Presiding Officer

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has recorded a finding that the deceased was earning Rs.1600/- and was aged 56 year at the time of his death. On the basis of his last wages and age, according to

Schedule IV of the Workmen's Compensation Act, 1923, a total sum of

Rs.1,05,560/- was payable as compensation on the death of the deceased but since

the claim was made for Rs.84,448/-, we will restrict the award for the aforesaid sum

as has been claimed in the claim petition. Apart from the above quantum of

compensation, the appellant would be entitled to statutory interest payable on this

sum. The appeal is accordingly allowed. The appellant is awarded compensation in

the sum of Rs.84,448/- with statutory interest under Section 4A(3) of the

Workmen's Compensation Act. The amount shall be paid by the railway within a

period of eight weeks.

.....J.

.M.DHARMADHIKARI)

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(D

.....J.

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N.SRIKRISHNA)

NEW DELHI;

FEBRUARY 4, 2005.

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ITEM NO.209

COURT NO.11

SECTION XV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6897 OF 2004

(From the judgement and order dated 04/08/2003 in MA No. 265/1997 of HIGH COURT OF JHARKHAND AT RANCHI)

SHYAMA DEVI

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With office report)

(For final disposal)

Date: 04/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr.Vijay Hansaria, Sr.Adv.

Mr.Dhrupad Kashyap, Adv.

Mr. Sheetal Prasad Juneja,Adv.

For Respondent(s)

Mr.T.M.Mohamed Youseff, Adv.

Mr.M.R.Rajendran Nair, Adv.

Ms.Sunita Rao, Adv.

Mr.B.K. Prasad, Adv.

Mr. Shreekant N. Terdal,Adv.

UPON hearing counsel the Court made the following

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O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Satish K. Yadav)

Court Master

(Shelly Sengupta)

Court Master

(Signed order is placed on the file)