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Court : Punjab and Haryana

Decided On : Mar-25-2015

Judge : Kuldip Singh

Appeal No. : FAO No. 908 of 1992 (O&M)

Appellant : Amna Devi

Respondent : Commissioner, Workmen's Compensation Act, Hisar and Another

Judgement :

Kuldip Singh, J. (Oral)

Respondent No. 1-Commissioner under the Workmen's Compensation Act, 1923, Hisar Circle, Hisar, had passed the impugned order dated 9.3.1992. Therefore, service of respondent No. 1 is dispensed with.

Amna Devi, who is step mother of deceased Nazim Mansoori, had filed an application before the Commissioner under the Workmen's Compensation Act, 1923, Hisar Circle, Hisar for claiming compensation on account of death of her step son Nazim Mansoori. Nazim Mansoori was employed as a security guard with respondent No. 2-Director, Central State Farm, Hisar, on the monthly wages of Rs. 526/-. On 18.10.1987, while he was on duty with respondent No. 2, at about 11:00 PM, a snake bite him. He was taken to Civil Hospital where he was declared dead.

He was 23 years of age.

Suffice to say that respondent contested the application. The application was dismissed by the Commissioner under the Workmen's Compensation Act, 1923, Hisar Circle, Hisar, primarily on the ground that the applicant is a step mother and not a dependent.

I have heard learned counsel for the parties and have also carefully gone through the file.

It is not a denying fact that the applicant is not the real mother of the deceased. Respondent has examined Ifitikhar Ahmad Mansoori, father of the deceased as RW1, who stated that his first wife Munni Jhan died in the year 1976 and in the year 1977, he had married again. The applicant has also admitted that the deceased was the son of first wife of her husband Ifitikhar Ahmad Mansoori. She admitted that she is living separately from her husband for the last 15/16 years. Now, she has one son and five daughters. The legal question would arise whether the step mother is entitled to compensation under the Workmen's Compensation Act, 1923 as the definition of dependent is given in Section 2(d) of the Workmen's Compensation Act, 1923?

Here, in addition to the other legal heirs of widowed mother is included in clause (i) of Section 2(d) and a parent other than a widowed mother is included in clause (iii)(b) of Section 2(d) of the Workmen's Compensation Act, 1923.

Now, the question would arise whether the parent includes step parents ?

I am of the view that the intention of the legislature becomes clear from the subsequent amendments in the year 1995 where in case of a son and a daughter, the definition was qualified by including 'legitimate' or 'adopted'. It shows that the legislature did not intend to include step mother as a parent and the definition of the parent is given in the definition of 'dependent' in Section 2(d) of the Workmen's Compensation Act, 1923.

It being so, no fault can be found with the impugned order dated 9.3.1992, passed by the Commissioner under the Workmen's Compensation Act, 1923 Hisar Circle,

Hisar.

Consequently, the present appeal is dismissed.

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