

Mana Ram Vs. Secretary

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Court : Rajasthan

Decided On : May-13-1999

Reported in : (2000)IIILLJ1474Raj; 2000WLC(Raj)UC54

Judge : V.S. Kokje, J.

Acts : Workmen's Compensation Act, 1923 - Sections 3 and 30

Appeal No. : S.B.C.M.A. No. 31/1993

Appellant : Mana Ram

Respondent : Secretary

Disposition : Appeal dismissed

Judgement :

V.S. Kokje, J.

1. This appeal arises out of a claim for Workmen's compensation on account of employment injury suffered by the appellant. The only dispute is whether the injury was attributable to the wilful disobedience of the appellant to an order expressly given for the purpose of securing the safety of the workmen. It was alleged by the employer-respondent that despite instructions to the contrary the appellant attempted to clean the Machine in its running condition. Under proviso to Section 3(1)(b)(ii) of the Workmen's Compensation Act, 1923 employer will have no liability

to compensate because the injury was attributable to the wilful disobedience of the workman to an express order notified to all workmen. The Commissioner for Workmen's Compensation rejected the claim holding that the appellant had flouted the instructions which were displayed on a Hoarding by the employer.

Having heard the learned counsel and having perused the record I do not find that the finding in this regard is perverse. Evidence on record shows that a notice was displayed at conspicuous place clearly prohibiting running condition. Moreover an appeal Under Section 30 of the Workmen's Compensation Act lies only on a substantial question of law. As to whether the safety instructions were displayed or not and as to whether the appellant flouted them are purely question of fact. No substantial question of law arises in this appeal. The appeal is therefore dismissed.

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