# Tata Engineering and Locomotive Co. Ltd. Vs Smt. Reba Rani Mazumdar

## Appeal from Original Order No. 4 of 1995 (R)

**Court:** Jharkhand High Court

**Date of Decision:** Feb. 12, 2002

**Acts Referred:**
Workmens Compensation Act, 1923 â€" Section 3, 4

**Citation:** (2003) 2 ACC 587 : (2003) 97 FLR 776

**Hon'ble Judges:** Hari Shankar Prasad, J; Gurusharan Sharma, J

**Bench:** Division Bench

**Advocate:** V.P. Singh, for the Appellant; A.K. Sahani, for the Respondent

**Final Decision:** Allowed

## Judgement

@JUDGMENTTAG-ORDER

1. S.K. Mazumdar, husband of sole-respondent herein was working as Assistant Procurement Officer with M/s. Tata Engineering and Locomotive

Company Limited, the appellant herein.

2. On 25.5.1985, he was called by his superiors in the afternoon to attend a Price Panel meeting Scheduled to be held in the office of the

Divisional Manager (Central Materials). He went there and was waiting in Secretary''s room, when he suddenly fell down and became

unconscious. He was immediately rushed to TELCO Hospital, where he subsequently died of severe Myocardial infarction.

3. The deceased was working under the Company for last 37 years and at the time of his death, he was 57 year''s old and was getting salary of

more than Rs. 1,000/-which was relevant for the purpose of calculating compensation u/s 4 of the Workmen''s Compensation Act, 1923

(hereinafter referred to as ""the Act"").

4. His widow filed W.C. No. 4 of 1988, under the provisions of the Act and claimed a sum of Rs. 51,332/- as lump-sum amount of compensation

payable under the Act.

5. The Tribunal by impugned order and award directed the Company to pay compensation amount of Rs. 51,332/-, on the basis of calculation u/s

4 of the Act, to the claimant along with interest @6% per annum from the date of order till payment.

6. The Company has preferred present appeal u/s 30 of the Act. Mr. V.P. Singh, counsel for the appellant submitted that present case for

compensation under the Act by widow of late S.K. Mazumdar, was not maintainable under the Act. Neither any personal injury was caused to her

husband by any accident arising out of enforcement of his employment nor there was any external factor to cause death apart of from internal

ailment of the body. Unless there was some casual connection between the employment and the ailment, the claimant''s application for

compensation under the Act was not maintainable.

7. In course of her deposition, claimant-respondent admitted that her deceased husband was not even suffering from any heart disease. She failed

to establish that death of her husband had any casual connection with his employment.

8. It is true that if a workmen dies due to cardiac arrest, where he was deputed in connection with official work then his widow is entitled to

compensation under the Act. Here, widow of the deceased workman came out with a case that the management failed to provide any vehicle to

her husband to attend the meeting scheduled to be held at 2 p.m. at a distance of about 2 Kms. from the place of his working.

Consequently, he had to walk on foot at noon hours in the month of May, to attend the said meeting. In this regard evidence of Doctor, OPW 2 is

relevant. The doctor opined that such myocardial infarction could not have been caused on account of walking for 1 or 2 kms. in Sun. It is well

settled that mere death in ordinary course by some bodily ailment or event in course of employment cannot attract liability of the employer u/s 3 of

the Act. There should be a casual connection between the employment and the death in an unexpected way in order to bring the accident within

Section 3 of the Act. Though it is not necessary to establish the workman died as a result of an exceptional strain or some exceptional work that he

did on the day in question, in the present case it cannot be said that death of S.K. Mazumdar had occurred on account of any accident that arose

out of an in course of his employment. Nothing has come on record to suggest that there was some casual connection between his employment and

death independently of the bodily ailment.

9. In the aforesaid circumstance, we find that provisions of Section 3 of the act were not attracted in the present case and as such respondent was

not entitled to advance claim for compensation under the Act.

10. We, therefore, set aside the impugned judgment and award and W.C.A. Case No. 4 of 1998 stands dismissed.

11. In the result, the appeal is allowed, but without costs.