

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

217

**FAO-1587-1998 (O&M)
Date of decision : 23.03.2026**

Chief Engineer, Irrigation Works, Punjab, Chandigarh and others

..... Appellants

versus

Jagtar Singh

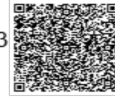
..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harinder Pal Singh Ishar, Addl. A.G., Punjab.

PANKAJ JAIN, J. (Oral)

1. State is in appeal against order dated 29.11.1996 passed by Commissioner under Workmen's Compensation Act, 1923.
2. The claim has been filed at the behest of injured workman Jagtar Singh, who was working as Foreman in the Punjab Irrigation Department Mechanical Drainage Division, Amritsar. On the fateful day, i.e. 05.03.1994, while he was checking dragline machine, he met with an accident and lost four fingers of his right hand.
3. Holding that the injured claimant suffered permanent disability in an accident arising out of and during the course of employment, the Commissioner allowed the application. While awarding compensation, Commissioner took cognizance of the fact that the applicant having lost four fingers of the right hand, was totally incapacitated. Compensation of Rs.73,100/- has been awarded relying upon schedule IV appended to 1923 Act.



4. Counsel for the appellant has assailed the order passed by the Commissioner asserting that it is a case of 50% permanent disability and thus the compensation ought not have been awarded applying schedule IV of the Act of 1923.

5. Having heard counsel for the appellant and after carefully perusing the records of the case, this Court finds that the plea raised by Mr. Ishar cannot be accepted. The law with respect to disablement vis-a-vis functional disability have been elaborately explained by four Judges Bench in the case of ***Pratap Narain Singh Deo vs. Srinivas Sabata (1976) 1 SCC 289*** wherein the Supreme Court observed as under:-

“5. The expression "total disablement" has been defined in section 2(1)(l) of the Act as follows:

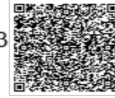
" "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement."

It has not been disputed before us that the injury was of such a nature as to cause permanent disablement to the respondent, and the question for consideration is whether the disablement incapacitated the respondent for all work which he was capable of performing at the time of the accident. The Commissioner has examined the question and recorded his finding as follows:

"The injured workman in this case is carpenter by profession....By loss of the left hand above the elbow, he has evidently been rendered unfit for the work of carpenter as the work of carpentry cannot be done by one hand only."

This is obviously a reasonable and correct finding. Counsel for the appellant has not been able to assail it on any ground and it does not require to be corrected in this appeal." ”

6. The aforesaid ratio of law has been reiterated by Supreme Court in the case of ***Indra Bai vs. Oriental Insurance Company Ltd. and another (2023) 8 SCC 217***, observing as under:-



“28. In light of the aforesaid decisions and the definition of the term “total disablement” as provided by clause (l) of sub-section (1) of Section 2 of the Act, it is the functional disability and not just the physical disability which is the determining factor in assessing whether the claimant (i.e., workman) has incurred total disablement. Thus, if the disablement incurred in an accident incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement, the disablement would be taken as total for the purposes of award of compensation under Section 4(1)(b) of the Act regardless of the injury sustained being not one as specified in Part I of Schedule I of the Act. The proviso to clause (l) of sub-section (1) of Section 2 of the Act does not dilute the import of the substantive clause. Rather, it adds to it by specifying categories wherein it shall be deemed that there is permanent total disablement.

29. In Mohd. Nasir (supra), which has been relied by the High Court, the workman was a cleaner. He had suffered fracture in the leg. It was held that such injury would not amount to permanent loss of the use of the entire leg. Hence, the disablement was found partial and not total.”

7. The injured-claimant was working as a Foreman. In terms of his job profile, he is required to work relentlessly on the machines round the clock. Loss of four fingers, that too of right hand has rendered him completely disabled.

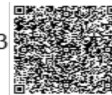
8. Penalty has also been rightly awarded, as the delay in paying the compensation on account of internal communication/arrangement of the appellant, cannot be held to be a valid ground to deny penalty to the workman.

9. In view of above, no fault can be found with the approach of the Commissioner.



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10. Finding no question of law involved in the present appeal, the same is ordered to be dismissed.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(PANKAJ JAIN)
JUDGE**

23.03.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No