

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.2261/2015
IN
FIRST APPEAL (ST) NO.16468/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. P. R. Mittal for the Applicant

CORAM : K. K. TATED, J.
DATE : JULY 7, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.

2. The learned counsel for the Applicant submits that the Respondent-Claimant filed recovery Application No.(ECA) No.154/G-15/2015 to recovery the award amount. She submits that if entire amount is recovered by the Respondent-Claimant, nothing will survive in the present proceedings.

3. The learned counsel for the Applicant submits that the Insurance Co. has already

deposited the award amount before the Tribunal. Statement is accepted.

4. The learned counsel for the Applicant submits that the Tribunal has not considered the fact that the Applicant failed to prove the relationship of employer and employee with opposite party and therefore, the Insurance Co. is not liable to pay any compensation.

5. The learned counsel for the Applicant further submits that even the Respondent-Claimant has not brought on record any salary slip to show his monthly salary. She submits that the Applicant has good chance of success in the matter. She submits that if entire awarded amount is recovered by the Respondent-Claimant and in case the Applicant succeeds before this court, it would be very difficult for them to recover the entire amount from the Respondent-Claimant. Hence, in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award dated 30/12/2014 passed by the Commissioner for Employees' Compensation & Judge, 6th Labour Court, Mumbai in Application (WCA) No.540/C-138/2011.

6. Considering the submissions made by the learned counsel for the Applicant and since the Applicant has deposited the entire award amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

7. Hence, the following order is passed:

a. The operation and implementation of the impugned award dated 30/12/2014 passed by the Commissioner for Employees' Compensation & Judge, 6th Labour Court, Mumbai in Application (WCA) No.540/C-138/2011 is stayed till further orders.

b. The Respondent-Claimant Jaspal Singh Harbhajan Singh Parhar is entitled to withdraw 25% of the award amount without furnishing any security.

c. Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the remaining amount, if he so desire, which will be decided on its own merits.

d. The Tribunal is directed to invest the remaining amount in a fixed deposit account of any

Nationalized bank, initially for a period of one year which will be renewed from time to time till hearing and final disposal of the appeal.

e. Civil Application stands disposed off accordingly.

JUDGE