

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

**CWP No.15318 of 2015
Date of decision: 29.07.2015**

Rajinder Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. H.S.Dhindsa, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The instant case is an act of aberration on behalf of the authority in not implementing the Award dated 02.12.2004 of the Commissioner under the Workmen Compensation Act-cum-Assistant Labour Commissioner, Mohali.

Mr. H.S.Dhindsa, learned counsel appearing on behalf of the petitioner submits that there has been exchange of correspondence between District Collector, SAS Nagar, Mohali-cum-Deputy Commissioner, Mohali and Commissioner under Workmen Compensation Act-cum-Assistant Labour Commissioner, Mohali for compliance of the order but till date that is almost 11 years have gone by, no step has been taken despite issuance of recovery certificate (Annexure P-3). He has pointed out that the employer in

connivance with respondents is managing to avoid his liability. It has been submitted that Award of the Commissioner has attained finality and had it been so, it is mandatory to deposit the entire amount of compensation before filing the appeal.

I have heard learned counsel for the petitioner and taken into consideration the aforementioned facts and circumstances of the present case.

I deem it appropriate to dispose of the present writ petition by issuing direction to respondents No.2 and 3 to implement the orders dated 02.12.2004, (Annexure P-1), 29.01.2009 (Annexure P-4) and 30.01.2009 (Annexure P-5), recovery certificate vis-a-vis two properties situated at different place but within same district immediately on receipt of the certified copy of this order. In case, the authorities acquire knowledge during this process, the employer has transferred or alienated etc. his immovable property in the name of third party in order to avoid the liability, action in accordance with law i.e. by attaching the immovable property in accordance with law or arrest warrants be initiated.

The Deputy Commissioner is further directed to implement the order dated 02.12.2004 and the recovery certificate (Annexure P-9). The report of compliance be submitted to this Court within two months from the date of receipt of certified copy of this order, failing which, this Court may not be compelled to take action under the Contempt of Court Act.

With the aforementioned directions, writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

July 29, 2015
savita