

CWP No.9860 of 2015

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

CWP No.9860 of 2015

Date of Decision: May 18, 2015

Jai Parkash

...Petitioner

Versus

Union Territory, Chandigarh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court impugning the order dated 27.03.2015 (Annexure P-1) passed by the Commissioner under the Employees' Compensation Act, 1923, vide which the application dated 27.03.2013 preferred by the petitioner for grant of benefit under the Workmen's Compensation Act, has been rejected.

Counsel for the petitioner contends that the rejection of the application of the petitioner is not in consonance with law. He further states that even if the application is held to be not maintainable under the Employees' Compensation Act, 1923, still this Court can grant *ex gratia* amount. In support of this contention, he places reliance upon an order passed by the Hon'ble Supreme Court in **Dhropadabai and others Vs. M/s Technocraft Toolings, 2015**

(2) SCT 503.

I have considered the submissions made by the counsel

CWP No.9860 of 2015

for the petitioner and have gone through the impugned order but do not find any illegality in the same as the application of the petitioner has been found to be rightly rejected relying upon the judgment of the Hon'ble Supreme Court in **A. Trehan Vs. Associated Electrical Agencies, (1996-II-LLJ-721) (SC).**

The claim of the petitioner with regard to the grant of *ex gratia* also is not sustainable and maintainable because the judgment on which the petitioner is relying upon in *Dhropadabai and others'* case (supra) where the Hon'ble Supreme Court, in the peculiar facts and circumstance and keeping in view the fact that the amount of ₹4,00,000/- deposited had been permitted to be withdrawn by the legal representatives of the employee and having been utilized the same, the Court did not direct the return of the said amount.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

May 18, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE