

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(110)

FAO-5782-2015 (O&M)
DATE OF DECISION: 02.09.2015

CHIEF WORKS MANAGER

.....Appellant

VERSUS

BALWINDER KAUR AND ORS.

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajiv Sharma, Advocate
for the petitioner-appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM 18073 -7S-CII-2015

Prayer in this application is for condonation of delay of 52 days in re-filing the present appeal.

The reasons assigned for the delay in refiling the appeal is that after the filing of the appeal on 26.5.2015, some objections were raised and the paper book was returned by the Registry of this Court. Since there was cutting in the certified copy of the order dated 23.10.2013 passed by the Commissioner, Employees Compensation, Amritsar, the same was again applied for, which was delivered on 12.6.2015 by the Copying Agency. The same was handed over to the counsel and the appeal was refiled

on 30.07.2015 which resulted in a delay of 52 days in re-filing the appeal. This application is supported by an affidavit. For the reasons mentioned in the application, delay of 52 days in re-filing the appeal is condoned.

The application stands disposed of.

CM-18074 of 2015

Prayer in this application is for condonation of delay of 476 days in filing the appeal. The reasons assigned for the delay in filing the appeal is that the written statement in the application preferred by the respondents before the Commissioner, Employees Compensation, Amritsar, was filed. On 23.10.2013, the case was fixed for the evidence of the applicants on which date, despite the case having been called on various occasions, none put in appearance. The result thereof was that the appellant defendants were proceeded against ex parte. The application was finally decided by the Commissioner, Employees Compensation, Amritsar on 6.12.2013. Counsel for the appellants did not inform them about the ex parte proceedings having been initiated against them or the final decision of the case. The counsel in this case was engaged on 16.1.2015 for filing the appeal in the High Court, who required the entire records of Court below including the certified copies of the various orders passed by the Commissioner. After obtaining the certified copies, the same

were handed over to the counsel in this Court on 14.5.2015 and thereafter, the appeal was filed on 26.05.2015. This has resulted in a delay of 476 days in filing the appeal.

Perusal of the above would indicate that no reasonable explanation has been given in the application for the condonation of delay. It is apparent that after the decision passed by the Commissioner, Employees Compensation, Amritsar on 6.12.2013, the date on which the authorities came to know about the decision so taken by the Commissioner has not been mentioned nor has it been mentioned as to what steps have been taken by the Department to verify the fate of the case, which was pending before the Commissioner. Straightaway, after the decision of the application on 06.12.2013, the next date which has been mentioned in the application is 16.1.2015, which is the date on which the counsel was engaged in the High Court for filing the appeal. This is a gap of more than one year. No explanation is forthcoming as to how this period was utilised or how and what steps were taken.

The next date which is mentioned in the application is 14.5.2015, when the said certified copies were handed over to the counsel for the respondent in the High Court. No details have been mentioned as on which date, as per the requirement of the counsel for the High Court, the certified copies of the orders passed by the Commissioner,

were applied for, prepared, supplied and collected.

This explanation does not fulfill the requirement of the statute. The applicant/appellant has not been able to explain the delay which can be accepted as sufficient cause which satisfies the Court entitling the benefit of condonation of the inordinate and unexplained delay of 476 days in filing the appeal. The application thus deserves dismissal.

With the assistance of the counsel for the appellant, I have gone through the judgment passed by the Commissioner, Employees Compensation, Amritsar, dated 06.4.2013, where also, I do not find any merit in the appeal and further compensation which has been granted is ₹6,25,880/- only which is just and reasonable.

In view of above, the present application for condonation of delay of 476 days stands dismissed and as a consequence thereof, the appeal also stands dismissed.

September 02, 2015
SwarnjitS

(AUGUSTINE GEORGE MASIH)
JUDGE