

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

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FAO No.8467 of 2015 (O&M)

Date of Decision: December 17, 2015

Executive Engineer, D.H.B.V.N.L., Tauru, District Mewat and another

...Appellants

Versus

Raghu and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Jasmeet Singh Bedi, Advocate
for the applicants-appellants.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.26666-CII of 2015

Prayer in this application is for condonation of delay of 37 days
in refiling the appeal.

For the reasons mentioned in the application which is duly
supported by the affidavit of the counsel, the present application is allowed.

Delay of 37 days in refiling the appeal stands condoned.

CM No.26665-CII of 2015 and
FAO No.8467 of 2015

Prayer in this application i.e. CM No.26665-CII of 2015 is for
condonation of delay of 156 days in filing the appeal.

The reason assigned for the delay in filing the appeal is that the
time was consumed in the process of finally taking a decision to file the
appeal against the impugned order passed by the Commissioner under the
Employee's Compensation Act, 1923, Rewari. It is stated that through
various departments and various officials, the said process has gone through
and, therefore, the delay is neither intentional nor deliberate and the present

application, therefore, deserves to be allowed and the delay condoned.

The explanation, as has been given in the application, cannot be said to be just and reasonable nor has the delay been satisfactorily explained which would persuade this Court to accept the contention of the counsel and the pleadings in the application.

The present application, therefore, deserves to be dismissed, however, on the insistence of the counsel for the applicants-appellants, the main appeal was also heard but there is no illegality in the order dated 27.01.2015 passed by the Commissioner under the Employee's Compensation Act, Rewari, wherein the claim application of respondent No.1-applicant-Raghu, who suffered injuries and has become disabled due to such sustained injuries in the accident, which took place on 20.06.2011 while working as an Electrician Helper under the directions of Nitin Lamba, Contractor-respondent No.2 herein, who admittedly was a Contractor engaged by the appellants for providing workforce, who had been giving the contract of maintaining the electricity lines.

On the basis of pleadings and the evidence which has been led by the parties, it has been rightly observed that the liability of the appellants and respondent No.2 has been correctly assessed, however, liberty has also been given to the appellants to proceed against Shri Nitin Lamba, Contractor-respondent No.2 herein. The amount of compensation which has been assessed, is in accordance with the statutory requirements and, thus, cannot be faulted with. There is, thus, no merit in the appeal also.

Keeping in view the above, the present appeal is dismissed both as time barred and on merits.

In the light of the dismissal of the appeal, the application for

stay i.e. CM No.26667-CII of 2015, stands disposed of as infructuous.

December 17, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE