

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

FAO No.3117 of 2016 (O&M)
Date of Decision: October 18, 2016

Sun Pharmaceutical Ind. Ltd.

.....Petitioner

Versus

Rajan Sikka

....Respondent

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

Present: Mr. Abhivadya Sood, Advocate
 for the appellant.

 Mr. H.K. Brinda, Advocate
 for the Cross-Objector/respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.14137-CII of 2016

Application is allowed.

Exemption is granted from filing certified/typed copy of the
Judgment/Award dated 28.03.2016.

FAO No.3117 of 2016 (O&M)

The appellant has preferred this appeal against the order dated 28.03.2016, passed by the Commissioner under the Employee's Compensation Act, 1923 and Assistant Labour Commissioner, Hoshiarpur, whereby the claim of the respondent has been accepted and he has been granted compensation to the extent of ₹9,94,259/-. Since an amount of ₹5,59,179/- has already been paid by the appellant, the remaining amount of ₹4,35,080/- was ordered to be deposited within a period of one month from the date of award and also to bear the future medical expenditure of the applicant.

Counsel for the appellant primarily now asserts that the future medical expenditure of the respondent cannot be held to be the liability of the appellant.

This plea of the counsel for the appellant is fully justified because as per the counsel for the respondent concededly there is no provision under the Employee's Compensation Act, 1923 which would entitle the respondent to the said claim. However, in the cross-objection which has been filed, it has been asserted on behalf of the respondent that he is entitle to the full salary as per the provisions contained in the *Person with Disabilities (Equal opportunities, Protection of Right and Full Participation) Act, 1995 (for short "1995 Act")*. The said cross-objection, as taken by the respondent, cannot be considered in the present appeal.

Counsel for the respondent, at this stage, prays for liberty to avail of his remedy under the 1995 Act, if permissible under the law.

The prayer of the counsel for the respondent is accepted subject to the same being permissible under the law, he may avail of his remedy under the 1995 Act.

In view of the above, the present appeal is allowed to the extent that the respondent will not be entitled to the future medical expenditure as has been ordered by the Commissioner under the Employee's Compensation Act, 1923 vide its award dated 28.03.2016. Appeal *qua* the other aspects as granted under the award dated 28.03.2016, is upheld.

The cross-objections are also disposed of with liberty as mentioned above.

October 18, 2016
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No