

FAO No. 7616 of 2015 (O&M)

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

FAO No. 7616 of 2015 (O&M)

Date of Decision: January 15, 2016

Contractor Power Technical Engineers

...Appellant

Versus

Sushil Saini and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.N. Sahu, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this appeal is to the order dated 10.07.2015 passed by the Commissioner, Employees' Compensation Act, 1923, Karnal, whereby, penalty of ₹70,000/- has been imposed upon the appellant to be paid within 60 days of the order, failing which, interest at the rate of 12% has been granted till the realization of the said amount, apart from granting compensation alongwith interest, which liability has been imposed upon and paid by the Oriental Insurance Company Limited.

It is the contention of the learned counsel for the appellant that immediately, on the accident having taken place, the appellant grant respondent-workman support of ₹40,000/- in two installments. He contends that immediate steps have been taken, therefore, the penalty as imposed by the Commissioner, Employees'

Compensation Act, Karnal, is not sustainable and deserves to be set aside. He, therefore, contends that the present appeal be allowed and the award qua the appellant be set aside.

I have considered the submissions made by the learned counsel for the appellant and with his able assistance, have gone through the impugned award but do not find any illegality in the same.

Firstly, as regards the contention of the learned counsel for the appellant that an amount of ₹40,000/- was paid by him to the respondent-workman, the said contention is not acceptable as there is admission on the part of the respondent-workman and his brother who has also appeared as a witness to the extent of ₹20,000/-. An effort has been made by the counsel for the appellant to assert that the admission with regard to the receipt of ₹20,000/- made by respondent-workman was in cash, whereas, his brother has only mentioned about an amount of ₹20,000/- as cheque. It, therefore, is apparent and clear that the amount received by them is only to the extent of ₹20,000/-.

The mandate of the statute has been complied with by the Commissioner by awarding compensation which cannot be said to be unreasonable or unjust but as per the requirement of the statute. The penalty as imposed being in accordance with law does not call for any interference by this Court in the impugned order.

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

CM No.24024-CII of 2015

In view of the order passed in the main appeal, the present application for staying the operation of the impugned award passed by the Commissioner, Employees' Compensation Act, 1923, has become infructuous.

Disposed of as such.

January 15, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE