IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

252 **CR-3025-2016(O&M)**

Date of Decision:31.05.2017

M/s Genus Apparels **.....Petitioner**

Versus

Amlesh Tiwari and another **.....Respondents**

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: **Mr.Anil Shukla, Advocate,**
for the petitioner.

Ms.Abha Rathore, Advocate,
with respondent No.1 in person.

****

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 15.02.2016 (Annexure P-5), whereby application for setting aside the ex parte order dated 28.07.2015 (Annexure P-2) was dismissed by the learned Commissioner under Employees Compensation Act, Management has approached this Court by way of instant revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned orders.

Notice of motion was issued.

Heard learned counsel for the parties.

Respondent No.1-workman is present in the Court. On the asking by the Court whether he is ready to accept ₹50,000/- as costs to be imposed on the petitioner-Management for setting aside the impugned orders, he expressed his willingness. It is also accepted by the learned counsel for the petitioner.

Seema Rani
2017.06.02 16:22
I attest to the accuracy and
authenticity of this document
High Court Chandigarh

In view of the above and without commenting upon the merits of the case as well as the conduct of the parties to the litigation, lest it may prejudice the rights of either of the parties, impugned order dated 15.02.2016 (Annexure P-5) passed by the learned Commissioner-respondent No.2 is hereby set aside. Consequently, order dated 28.07.2015 (Annexure P-2), whereby ex parte order was passed against the petitioner-Management shall also stand set aside, however, subject to payment of ₹50,000/- by the petitioner-Management to respondent No.1-workman Sh.Amlesh Tiwari. The amount of ₹50,000/- on account of costs shall be paid by the petitioner by way of bank draft in the name of respondent No.1-workman within a period of one week from today.

Commissioner under Employees Compensation Act-respondent No.2 is directed to proceed further with the matter after granting only one opportunity to the petitioner-Management to file its written statement. Thereafter, the learned Commissioner shall make an endeavour to decide the matter at the earliest possible time by passing an appropriate order, strictly in accordance with law.

Parties are directed to appear before the Commissioner-respondent No.2 on 15.06.2017.

Resultantly, with the above-said observations made and directions issued, instant revision petition stands allowed in the above-said terms.

May 31, 2017 (**RAMESHWAR SINGH MALIK)**
seema **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

Seema Rani
2017.06.02 16:22
I attest to the accuracy and
authenticity of this document
High Court Chandigarh