

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

(1)

**FAO No. 9719 of 2014 (O&M)
Date of Decision: 16.08.2017**

Sanjeev Malik

..... Appellant

Versus

Smt. Manju Devi and others

..... Respondents

AND

(2)

FAO No. 1848 of 2015 (O&M)

Vikram Malik

..... Appellant

Versus

Smt. Manju Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the appellant(s) (in both cases).

Mr. Dishant Tuteja, Advocate for
Mr. Dalip Kumar Tuteja, Advocate
for respondent Nos. 1 to 3 (in both cases).

JASWANT SINGH, J. (ORAL)

This common order shall dispose of the aforementioned two appeals as the same have arisen out of same order passed by the Commissioner, Employees Compensation Act, 1923, Rohtak. However, for the facility of reference, facts are being culled out from FAO No. 9719 of 2014.

Appellant-Sanjeev Malik was arrayed as one of the party respondent being a partner of Shivalik Advertisement Company i.e.

Employer in the proceedings before the Commissioner, Employees Compensation Act, 1923, Rohtak, instituted by the claimants for the death of the employee-Sh. Ramesh Kumar. It was claimed that Ramesh Kumar was employed as *Mistri* in the partnership firm and was getting a salary of Rs. 10,000/- per month. The employee was instructed by the partnership firm to undertake the work at the site of Krantik Building, Punjabi Dhaba, Parwanoo on 07.10.2006 and during the execution of the works, he fell down from the roof and died due to fatal injuries on 08.10.2006. The learned Commissioner, Rohtak, vide impugned judgment dated 28.01.2014, held that there exists a relationship of an employer and employee and proceeded to assess the compensation of Rs. 4,07,700/- alongwith the interest @ 12% per annum from the date of filing the claim petition i.e. 05.03.2008 till the deposit of the awarded amount. The penalty was also assessed for an amount of Rs. 1,00,000/- (one lac) alongwith interest @ 9% per annum from the date of award till deposit of the penalty amount. The liability of all the respondents i.e. the partnership firm comprising Sanjeev Malik and Vikram Malik was held to be joint and several. Hence, present two appeals have been filed.

In *FAO No. 9719 of 2014*, this Court, vide order dated 22.01.2015, had declined the request of the appellant for exemption from depositing the awarded amount. On the previous date of hearing i.e. 28.05.2015, the parties were directed to apprise the Court regarding the deposit of entire amount of awarded compensation.

At the time of hearing, learned counsel for respondent Nos. 1 to 3 submits that the entire awarded amount has not been deposited so far.

Neither anyone has caused appearance on behalf of the appellant(s) to argue the case nor any request for pass over has been made.

In view of the above, both the appeals stand dismissed as not maintainable.

August 16, 2017
'dk kamra'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No