

FAO No. 2161 of 1995 (O&m)

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

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**FAO No. 2161 of 1995 (O&m)
Date of Decision : 6.3.2018**

United India Insurance Company Limited

....Appellant

VS

Ram Dutt Pandey and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Neeraj Khanna, Advocate
for the appellant.

Ms. Abha Rathore, Advocate
for the respondent No. 1.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the Award dated 12.5.1995 passed by the Commissioner under the Workmen's Compensation Act whereby awarded an amount of Rs. 1,60,167/- for the death of deceased-Rajeshwar Pandey. Learned counsel for the appellant has raised only the issue of penalty and argued that penalty could not be foisted on the insurance company since it had arisen out of the negligence of the employer. I find this to be correct picture. No one appeared on behalf of the respondent No.2 to oppose it.

Consequently, I allow the appeal and it is directed that the penalty which was foisted upon the appellant is transferred to the respondent No.2 and therefore the appellant is entitled to recovery from

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the respondent No.2. The Commissioner is directed to disburse the penalty amount to the respondent No.1.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

6.3.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No