

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

447

FAO No.2930 of 1996 (O&M)

Date of Decision : 04.04.2018

Union of India

..... Appellant

Versus

Smt. Piari and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Varun Issar, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against that part of the award dated 20.05.1996 passed by the Commissioner, Kapurthala under the Workmen's Compensation Act, 1923 whereby he had imposed 25% of compensation as penalty along with interest @ 6% per annum.

Mr. Varun Issar, Advocate has entered appearance on behalf of the appellant-Union of India in the morning and had stated that a photocopy of the paper book be handed over to him, which was duly handed over to him and that is how he is appearing to argue the matter.

The brief facts of the case are that Mathura Dass who was admittedly employed with the appellant as Head Trolley Man died in an accident on 09.05.1993. After a period of 2 ½ years the appellant deposited the due compensation. It was in those circumstances that the respondents

filed a claim application praying that penalty and interest be awarded. The Commissioner held that the appellant was at fault in not having deposited the compensation in time. By placing reliance on **Pratap Narain Singh Deo Vs. Srinivas Sabata (1976) 1 SCC 289,** ordered 25% of compensation as penalty along with interest @ 6% per annum.

The only argument raised by the learned counsel for the appellant is that no notice was issued by the respondents.

In my opinion, this argument has been rightly rejected by the Commissioner by noticing that the appellant well knew of the accident and had voluntarily deposited the compensation amount.

In the circumstances, I find no reason to interfere.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

04.04.2018
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No