

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

381

FAO No.383 of 1996 (O&M)

Date of Decision : 07.03.2018

M/s Oriental Insurance Co., Ltd.

..... Appellant

Versus

Smt. Sito and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Vinod Chaudhri, Advocate
for the appellant.

None for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award passed by the Commissioner under the Workmen's Compensation Act, 1923 whereby he has allowed the claimed petition in favour of respondents No.1 to 7 arising out of the death of Om Parkash who is stated to be working as a Driver on his truck. Since very limited grievance has been raised in this appeal further reference to the facts would not be required.

The only contention raised by the learned counsel is with regard to the foisting of interest and penalty on the appellant-Insurance Company. He has however, fairly accepted that in view of the judgment of the Supreme Court passed in ***Oriental Insurance Company Ltd. Vs. Siby George (2012) 12 SCC 540*** the appellant can not challenge the imposition of interest but in any case even as per that judgment penalty was the responsibility of respondent No.8.

I find that this position is correct in law. None has entered appearance on behalf of respondent No.8.

In the circumstances, the appeal is disposed of with the direction that it is dismissed qua the interest and is allowed qua the penalty against respondent No.8. The appellant-Insurance Company would deposit the entire upto date compensation (if not already done so) and the same would be disbursed to respondents No.1 to 7. However, the appellant-Insurance Company would be entitled to recover the component of penalty (and the interest thereon) from respondent No.8.

Appeal stands disposed of in the above terms.

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

(**AJAY TEWARI**)
JUDGE

07.03.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No