

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

377

FAO-2480-1997 (O&M)
Date of Decision : 11.5.2018

National Insurance Company Ltd.

...Appellant

vs.

Smt. Kehro Devi and another

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Umesh Aggarwal, Advocate
for the appellant.

Mr. Vinod K. Kanwal, Advocate for
Mr. Ashit Malik, Advocate
for the respondent No.1.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the Insurance Company against the order dated 25.9.1997 passed by the Commissioner, Karnal under the Workmen's Compensation Act, 1923. Since a very limited point has been raised further detailed reference to the facts is not necessary.

Counsel for the appellant states that the Commissioner erred in awarding an amount of Rs. 37912/- as penalty and foisted the entire liability on the insurance company whereas in accordance with a judgment of the Supreme Court passed in "Ved Prakash Garg Vs. Premi Devi 1997 8 SCC 1" penalty is payable by the employer and the Insurance Company can only be burdened with the interest, if at all it is justified in these facts of the case.

Learned counsel for the claimants has fairly accepted that the

employer has fairly accepted that insurance company is not liable to pay the penalty.

Having gone through the entire facts of the case, I deem it appropriate to foist the penalty amount on respondent No.2. Since it is stated that an amount of Rs. 37912/- was stayed, the same shall be released to claimants and appellants would have recovery rights of that amount also from the respondent No.2.

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

11.5.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No