

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

383

FAO No.279 of 1998 (O&M)

Date of Decision : 16.05.2018

Avtar Singh

..... Appellant

Versus

Jagatar Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present:- Mr. Hardeep Singh Dhillon, Advocate for
Mr. Vikram Singh, Advocate
for the appellant.

Mr. Des Raj Bansal, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the employer against the order dated 20.11.1997 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.

It is the contention in the appeal that once the appellant-owner-employer had taken out the insurance policy, the penalty could not have been foisted upon it and had to be levelled on the Insurance Company. The matter is no longer res integra. In accordance with a judgment of the Supreme Court passed in *Ved Prakash Vs. Premi Devi (1997) 8 SCC 1* penalty is to be payable by the employer and the Insurance Company can only be burdened with the interest, if at all it is justified in the facts of the case.

In these circumstances, the appeal is dismissed.

Since the main case has been decided, the pending Civil Misc.
Application, if any, also stands disposed of.

16.05.2018
Pooja sharma-I

(AJAY TEWARI)
JUDGE

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