

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision : 23.5.2018

397 FAO-881-1998 (O&M)

Oriental Insurance Company Ltd. Appellant

vs.

Smt. Sushma Mohanty and another Respondents

397-A FAO-882-1998 (O&M)

Oriental Insurance Company Ltd. Appellant

vs.

Smt. Puna Bewa and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Cap. Vinod Chaudhary, Advocate
 for the appellant.

 Mr. J.S.Puri, Advocate
 for the respondent No.-2.

AJAY TEWARI, J. (Oral)

 These two appeals raise identical questions and consequently
are being decided by this common order.

 Since a very limited issue has been raked up by the appellant-
insurance company further detailed reference to the facts would not be
necessary because two grounds which were taken were that the insurance
company was not liable to pay interest or penalty.

 Counsel for the appellant-insurance company has fairly
accepted the matter regarding interest would now concluded against the

appellant by the judgment of the Supreme Court passed in the matter of *Oriental Insurance Company Ltd. vs. Siby George and others* reported as *(2012) 12 SCC 540*. He however asserts that likewise the issue of penalty has also now been conclusively settled by the Supreme Court in the judgment passed in the matter of *Ved Prakash Garg vs. Premi Devi* reported as *1997 (8) SCC 1* and it has been conclusively held that the liability to pay the penalty would always be on the employer. Mr. Puri who is appearing on behalf of the employer is not in a position to cite any contrary judgment.

In the circumstances, the appeal qua interest is dismissed while the appeal qua penalty is allowed and it is held that the respondent No.2-employer would be liable to pay the penalty.

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

23.5.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No