

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

398

**FAO-886-1998 (O&M)
Date of Decision : 23.5.2018**

Union of India

....Appellant

vs.

Smt. Ram Dulari and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Jagdish Marwaha, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the Union of India through the Divisional Railway Manager against the judgment dated 7.1.1997 passed by the Commissioner, Workmen's Compensation Court, Kapurthala.

The essential facts are that Bala Ram who was employed with the appellant died on duty on 21.11.1993. Ultimately, the Commissioner ordered penalty as 25% of the compensation and interest and that is how the appellant is before this Court.

Counsel for the appellant has argued that admittedly the appellant had paid the compensation voluntarily and no notice or claim was filed by the claimants for a period of almost three years and therefore, prayed that the order of the penalty be set aside. The Commissioner however noticed that the appellant well knew that the deceased had died in accident on 21.11.1993 yet it deposited the compensation after almost three years. The Commissioner also took into account the delay on the part of the

claimants and ordered penalty as 25% of the compensation and interest. I find no error in the impugned judgment.

Consequently, the appeal stands dismissed.

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