

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22179 of 2018

Date of Decision: 03.12.2018

Rajiv

... Petitioner

Versus

Presiding Officer/Commissioner,
under Employees Compensation
Act and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Savita Rana, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

An appeal lies to the High Court against an order passed by the Commissioner under the Employees' Compensation Act, 1923 ("the Act") as per Section 30. Third proviso to Section 30 of the Act prescribes that no appeal by an employer under Section 30 (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

Accordingly, the writ is not maintainable when appeal lies.

Learned counsel for the petitioner submits that she may be permitted to withdraw the present petition with liberty to file an appeal under Section 30 of the Act.

Dismissed as withdrawn with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

03.12.2018
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No