

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

FAO No. 1543 of 2013 (O&M)

Date of decision : May 15, 2018

M/S Haryana Packaging Industries Gurgaon

..... Appellant

v.

Amar Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abhimanyu Kalsy, Advocate
for Mr. RK Dhiman, Advocate
for the appellant.

Mr. Ajay Bhardwaj, Advocate
for the respondent.

Ajay Tewari, J (Oral)

C.M No.9079 CII of 2018

This is an application for early hearing on behalf of the respondent. The ground taken is that more than one year ago the amount which was deposited by the appellant was ordered to be released to the respondent against security but since the respondent is a poor person, he could not arrange the security and, thus, the amount has not been disbursed to him and he has already lost interest for more than one year.

Counsel for the appellant has fairly stated that he has no objection if this application is allowed.

Consequently, this application is allowed and the appeal is taken up for hearing today.

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The only ground on which notice of motion was issued was that

the Commissioner had wrongly condoned the delay.

Counsel for the appellant has argued that there was no explanation why the respondent delayed the matter. Counsel for the respondent states that actually what the appellant did was that it retained the respondent in service for a period of two years and once this period of two years was over, it removed him from service. As per him, had the appellant retained the respondent in service, he may not have filed the claim petition. It is his further argument that in an application for condonation of delay under Section 10 of the Workmen's Compensation Act, 1923, the consideration is not the same as that in the application filed under Section 5 of the Limitation Act and consequently there is no illegality in the order of the Commissioner condoning the delay in this legislation which is designed to ameliorate the situation of the downtrodden section of the society.

In my opinion, the arguments raised by counsel for the respondent carry more weight. No doubt, there was delay but there is a probable reason because it is not disputed that though the accident took place on 30.9.2008, the respondent continued in job till 6.8.2010 i.e for more than one year and ten months. Consequently, no fault can be found with the order of the Commissioner condoning the delay. Resultantly, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

May 15, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No