

114

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

**CM-2955-CII-2018 in/and
FAO-893-2018 (O&M)
Date of Decision : 14.02.2018**

R.K. Memorial Private School

..... Appellant

Versus

Mangal

.... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Parminder Singh, Advocate
for the appellant.

AJAY TEWARI, J. (ORAL)

CM-2955-CII-2018

This is an application for exempting the appellant from depositing the compensation amount. No ground is made out for dispensing with the compliance of Section 30 of the Act.

Application stands dismissed.

FAO-893-2018 (O&M)

This appeal has been filed against the order of the Commissioner under the Employee's Compensation Act awarding compensation for the death of Nakal Singh @ Nakli.

As per the claim petition the deceased was employed with the

appellant and died on 06.12.2009. The case of the respondent was that he had filed a complaint against the owner of the appellant-school for having caused the death of his son and that was pending and he was following up that litigation and with the death of his son he had been financially crippled. The appellant raised twofold arguments. Firstly, it was stated that the claim was barred by time and secondly it was stated that the death of the son of the respondent had no connection with the employment. As regards the delay, the Commissioner held that since the respondent had been following up the criminal litigation against the appellant and that the act was a beneficial legislation, the delay was condonable.

Counsel for the appellant has relied upon the judgment of the Himachal Pradesh High Court in the matter of ***Oriental Insurance Co. Ltd. vs. Geeta and others, 2006 ACJ 1455***. In that case, Justice Deepak Gupta (as His Lordship then was), held that the Commissioner under the Workmen's Compensation Act enjoys powers similar to that given to court under Section 5 of the Limitation Act for condoning the delay. He further held that where the claimant was a minor disabled son the delay can be condoned. In the present case also, the facts do not show that the finding of the Commissioner regarding condonation of delay is so perverse so as to warrant interference.

As regards the second argument, once the counsel has not been able to displace the finding that the deceased was working as a Watchman when he died, he can not escape the liability of paying compensation on the ground that his death was not directly related to his employment.

Appeal is dismissed.

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

February 14, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No