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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1378/2017

BABY KAUR & ORS

..... Petitioners

Through: Mr. R.K. Nain, Advocate

versus

MOHD UMAR & ORS

..... Respondents

Through: Mr. G.A.Madni, Adv. with Mr. Babar Ali,
Adv. for R-1.

Mr. Udit Gupta, Advocate for GNCTD with
Ms. Janki Sharma, Reader.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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09.02.2018

The background facts from which the present proceeding arise were noted in the order dated 05.12.2017 as under:-

“.....CM(M) 1378/2017

By the impugned order dated 06.09.2017, the Commissioner Employee's Compensation (District-West) has dismissed the application of the petitioner seeking review of the order dated 17.08.2017 passed on the file of the claim case registered as WCD/24/WD/17. A copy of the said earlier order dated 17.08.2017 has been submitted (at page 35), the order in question, written in hand, having been deciphered by the petitioner as under:

“Present Sh. G.P. Sharma proxy for the claimant.

Sh. Mohd. Salim S/o Sh. Md. Umar Resp.

On behalf of claimant application has been filed for withdrawal of the claim petition.

Heard.

Claim petition dismissed as withdrawn no liberty given.”

It is not clear from the above shown order as to what was the 'liberty' sought and why it was not granted. The order is too cryptic and non-speaking to be accepted.

The Commissioner Employees' Compensation (District-West) is directed to explain the deficiencies in the aforesaid order by submitting a report on or before 9th February, 2018.

Meanwhile, notice shall also be sent to first and second respondents on appropriate steps.

The registry to communicate directions in the order and secure compliance from the concerned quarters."

In compliance, the Commissioner Employees' Compensation (District West) has submitted his report. Mr. Udit Gupta, Advocate is present on behalf of the Commissioner Employees' Compensation. The learned counsel submits that the matter may be remitted for fresh order to be passed by the Commissioner Employees' Compensation setting out the reasons in detail. It is assured that the order shall be passed without delay, *albeit* after hearing the parties in question and that it would be not a non-speaking order.

In the given set of facts and circumstances, the petition is disposed of with directions to the effect that the Commissioner Employees' Compensation (District-West) shall pass a fresh order on the application of the petitioner seeking withdrawal with liberty.

The order dated 17.08.2017 is, thus, set aside. It is hoped that the Commissioner Employees' Compensation (District West) would hereinafter avoid such non-speaking orders.

The parties shall appear before Commissioner Employees' Compensation (District West) on 6th March, 2018.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

FEBRUARY 09, 2018/vk

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