

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

FAO No. 2199 of 2015(O&M)

Date of decision: 22.5.2019

Neelam Kaur and others

.....Appellants

VERSUS

Gian Chand and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. B.S. Mamli, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation assessed by the Commissioner, Yamuna Nagar, Circle – 2 under the Employees' Compensation Act, 1923 (in short 'the Act') in regard to death of Palvinder Singh, driver of Canter No.HR-58-A-2648 on his way from Jagadhri to Delhi.

The sole submission made by counsel for the appellants is that the Commissioner has not adverted to the question of entitlement of appellants to recover penalty from the employer as he failed to deposit compensation within 30 days from the date of occurrence.

Keeping in view the limited prayer made by the appellants, the appeal stands disposed of with liberty to the appellants to file an application before the Commissioner concerned for assessing liability of the employer to pay penalty. In case such an application is filed within 2 months, the same shall be decided by the authority concerned after providing an opportunity of being heard to the employer, in accordance with law.

MAY 22, 2019

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no