

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

224

FAO No.1309 of 2016 (O&M)

Date of decision: 09.01.2019

BADRUDDIN

... Appellant

Versus

EMPLOYEES COMPENSATION COMMISSIONER AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Barjinder Singh, Advocate for
Mr. Sumit Gupta, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against order dated 29.10.2015 passed by the Commissioner under the Employees Compensation Act, 1923 whereby application dated 08.07.2015 for setting aside ex parte order dated 26.02.2015 and ex parte final order dated 25.03.2015 has been dismissed.

As per the allegations raised by the appellant, he was not duly served in the case and came to know about the final order on 05.07.2015 from a neighbour. The Commissioner in the operative part of the order has noticed that the appellant was sent repeated notices before proceeding ex parte as well as after passing the final order but he did not respond. He has raised a vague plea that he came to know about the case on 05.07.2015 from a neighbour whose name had not been disclosed by the applicant/appellant.

I have gone through the order passed by the Commissioner but unable to find an error much less perversity therein warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

No order as to costs.

09.01.2019

ashok

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No