

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

FAO No. 2339 of 2016(O&M)

Date of decision: 22.5.2019

Jasbeer Singh

.....Appellant

VERSUS

Gian Chand and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

CM No.8440-CII of 2016

Prayer in this application is for condoning delay of 200 days in re-filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Mr. R.S. Mamli, Advocate, the application is allowed. Delay of 200 days in re-filing the appeal stands condoned.

Disposed of accordingly.

CM No.8439-CII of 2016

Prayer in this application is for condoning delay of 13 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Jasbir Singh, the appellant, the application is allowed. Delay of 13 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.2339 of 2016

The claimant is 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 Gurcharan Singh, cleaner of Canter No.HR-58-A-2648 on his way from Jagadhri to Delhi.

The sole submission made by counsel for the appellant is that the Commissioner has not adverted to the question of entitlement of appellant 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 appellant, the appeal stands disposed of with liberty to the appellant 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 two 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