

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

210

FAO No.9238 of 2014 (O&M)

Date of decision: 20.05.2019

MEENU AND ORS

... Appellants

Versus

TRILOK SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ram Pal Verma, Advocate for the appellants.
Mr. Sanjiv Pabbi, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against order dated 29.01.2013 passed by the Commissioner, Sonapat under the Employees Compensation Act, 1923 (in short 'the Act') whereby compensation has been assessed on account of death of Kiran Pal working as driver on container No.HR-38-L-0126 being an employee of Sh. Trilok Singh, respondent No.1.

The sole submission made by counsel for the appellants is that the Commissioner has not awarded any amount in respect of penalty payable by the employer for his failure to pay compensation within 30 days from the date of occurrence. It is further argued that though the Commissioner has held that respondent No.2 therein is not liable to pay penalty but nothing has been held as to why penalty is not liable to be imposed upon the employer/respondent No.1.

Perusal of the award bears testimony to the contentions raised by counsel for the appellants/claimants. The Commissioner has not adverted to the question of liability of employer to pay penalty in terms of the relevant provision of the Act as the employer failed to deposit compensation within 30 days from the date of occurrence. That being so, the appellants are relegated to the remedy of pressing their claim for penalty before the Commissioner concerned.

In view of what has been discussed hereinabove, the appeal stands disposed of. The appellants are left at liberty to file an appropriate application before the Commissioner concerned for deciding the question of penalty to be paid by the employer/respondent No.1. In case such an

application is filed within a period of two months from today, the Commissioner shall decide the same expeditiously after providing an opportunity of being heard to respondent No.1, in accordance with law. As the appeal has been decided on merits, applications for condonation of delay are of academic relevance.

20.05.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No