

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

-.-

FAO 8261 of 2015 (O&M)

Date of decision: 08.03.2019

Maan Singh

.....Appellant

Versus

Puneet Goyal and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sandeep Kotla, Advocate
for the appellant

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal to express grievance against order dated 15.09.2015 passed by the Commissioner under the Employee's Compensation Act, 1923, Hisar (in short, 'the Commissioner') only to the limited extent that while deciding issue No. 4, the authority concerned has not adverted to question of entitlement of claimant to penalty amount, to be paid by the employer.

Perusal of findings on issues No. 3 and 4 taken up together, makes it evident that the Commissioner has not adverted to the question of entitlement or otherwise of penalty amount on account of failure of the employer to pay compensation in consonance with the provisions of the Act. However, counsel for the appellant has fairly informed that the appellant has no grievance to express with regard to compensation assessed and interest allowed by the Commissioner.

In view of the above, the present appeal stands disposed of with liberty to the appellant to file an application before the Commissioner for grant of penalty amount. In case, the appellant files an application within two months, the Commissioner shall decide the same on merits, in accordance with law after providing an opportunity of being heard to the employer of the appellant.

(Rekha Mittal)
Judge

08.03.2019

Mohan Bimbura

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No