

In the High Court of Punjab and Haryana at Chandigarh

FAO- 988 of 2015(O&M)
Date of Decision:21.1.2019

Employees' State Insurance Corporation

---Appellant

vs.

Smt. Suman and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Vikas Suri, Sr. Standing counsel
for the appellant

Mr. Suresh Kumar Kaushik, Advocate
for respondents No. 1 to 3

Mr. Shiv Kumar, Advocate
for respondents No. 4 and 5

Rekha Mittal, J.

The present appeal directs challenge against order dated 31.5.2014 passed by the Employees Insurance Court, Faridabad.

Counsel for the appellant would urge that the court below framed an issue with regard to petition being barred by limitation but the same has been decided by the court in a casual and perfunctory manner, without examining the materials on record.

Counsel for the appellant and respondents-claimants have got no objection, if the matter is remitted to the court below for deciding issue No. 6 afresh on the basis of materials already on record and additional evidence, if any, to be adduced by the appellant and respondents-claimants.

Counsel for the appellant would apprise the court that in case issue of limitation is decided against the appellant, the appellant may be left at liberty to file an appeal assailing the findings on the question of limitation as well as other grounds available to the appellant-corporation and raised in the present appeal.

Counsel for the respondents-claimants have got no objection.

In view of the above, the appeal stands disposed of. The order impugned is set aside only in respect of findings of the court on issue No. 6 and the matter is remitted to the court for deciding issue No. 6 afresh on the basis of materials already on record and additional evidence, if any, to be adduced by the appellant and respondents-claimants.

Parties are directed to appear before the Employees Insurance Court, Faridabad on 11.2.2019. The court shall decide issue No. 6 within a period of three months of parties putting in appearance. Any party feeling aggrieved against the order passed by the Court shall be at liberty to take recourse to remedy, in accordance with law. The appellant is also left at liberty to raise all other grounds raised in the present appeal, in case question of limitation is decided against the appellant-corporation.

(Rekha Mittal)
Judge

21.1.2019
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No