

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

259

FAO No.1160 of 2018 (O&M)

Date of decision: 14.03.2019

MUBINA & OTHERS

... Appellants

Versus

HASIN & OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Barjinder Singh, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal against order dated 30.06.2014 passed by the Commissioner under the Employees Compensation Act, 1923 (in short 'the Act') whereby compensation has been assessed on account of death of Sehzaad in the course of employment.

Counsel for the appellants would fairly inform that the appeal has been preferred only on the question of non awarding of penalty for failure of the employer to pay compensation in consonance with provisions of the Act. However, counsel for the appellants would inform that a show cause notice was ordered to be issued to the employer calling upon him as to why penalty be not paid to the claimants for his failure to deposit the amount of compensation within 30 days from the date of accident. As the Commissioner has already issued show cause notice for grant of penalty, the present appeal stands disposed of but with liberty to the appellants to approach the concerned authority for deciding the question of penalty, if not already decided. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

14.03.2019

ashok

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No