

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

267

FAO No.721 of 2018 (O&M)

Date of decision: 29.03.2019

KAYYUM KHAN

... Appellant

Versus

RAM AVTAR SINGH & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against order dated 28.12.2016 passed by the Commissioner, Mewat under the Employees Compensation Act, 1923 whereby compensation has been assessed on account of injuries sustained by Kayyum Khan (appellant herein).

Counsel for the appellant would inform that the appeal has been preferred to express grievance with regard to non-grant of penalty, payable by owner of offending vehicle/employer of the injured. However, he has fairly conceded that the order impugned makes reference to issuance of show cause notice to employer calling upon him as to why penalty be not imposed upon him. That being so, in place of filing an appeal before this Court, the appellant should have approached the Commissioner concerned for deciding the question of penalty. In view of the above, the appeal stands disposed of with liberty to the appellant to approach the Commissioner concerned for deciding the question of penalty, if not already decided. As the appeal has been disposed of, application for condonation of delay is of academic relevance.

29.03.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No