

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

FAO No.6765 of 2015 (O&M)

Date of decision: 03.04.2019

Jakir

... Appellant

Versus

Harender Kaur and another

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Barjinder Singh, Advocate for the appellant.  
Mr. Amit Jaiswal, Advocate for respondent No.2.

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**REKHA MITTAL, J. (Oral)**

The present appeal directs challenge against order dated 30.12.2014 passed by the Commissioner, Mewat at Nuh under the Employees Compensation Act, 1923 whereby compensation has been assessed on account of injuries sustained by Jakir (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.

03.04.2019

ashok

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No