

In the High Court of Punjab and Haryana at Chandigarh

FAO- 3972 of 2014(O&M)
Date of Decision: 29.3.2019

Smt. Asmina and others

---Appellants

versus

Vikas Yadav and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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

Mr. Varun Sharma, Advocate,
for Mr. Satpal Dhamija, Advocate
for the insurance company

Rekha Mittal, J.

CM No. 12004-CII of 2014

Prayer in this application is for condoning delay of 156 days in filing the appeal.

In view of averments made in the application supported by an affidavit of Smt. Asmina-appellant No. 1 and arguments advanced by counsel for the applicants, application is allowed and delay of 156 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No. 3972 of 2014

Challenge in the present appeal has been directed against order dated 5.9.2013 passed by the Commissioner under the Employees' compensation Act, 1923 whereby compensation has been assessed on

account of death of Mohd. Iqbal @ Iqbal due to receipt of injuries in the course of employment on 7.5.2010.

Counsel for the appellants would fairly inform that the appeal has been preferred to express grievance only qua non-payment of penalty, liable to be paid by the employer. He would further apprise the court that as per the impugned order, show cause notice was issued to the employer as to why penalty be not imposed. He would pray that the present appeal may be disposed of but the appellants may be left at liberty to approach the Commissioner concerned to take final decision with regard to imposing of penalty, in accordance with law.

In view of the above, appeal stands disposed of. The appellants are at liberty to approach the Commissioner concerned for taking a final decision on the question of penalty, if not already decided. The Commissioner concerned shall decide the question of penalty within a period of three months of receipt of certified copy of the order.

(Rekha Mittal)
Judge

29.3.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No