



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

**CWP-5037-2024 (O&M)
DECIDED ON: 31.05.2024**

MALKEET SINGH

.....PETITIONER

VERSUS

**COMMISSIONER UNDER EMPLOYEES COMPENSATION ACT
CUM ASSISTANT LABOUR COMMISSIONER PATIALA AND
ORS
.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Arun Gupta, Advocate, and
Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Ravi Gakhar, Advocate,
for respondent Nos.4 and 5.

SANJAY VASHISTH, J (ORAL)

1. On dated 27.05.2024, following order was passed by this

Court:-

*"Present: Mr. Arun Gupta, Advocate, for
Mr. Rakesh Gupta, Advocate,
for the petitioner.*

*Mr. Ravi Gakhar, Advocate,
for respondent Nos.4 and 5.*

1. On 04.03.2024, following order was passed by
this Court:-

*"Present: Mr. Arun Gupta, Advocate
for Mr. Rakesh Gupta,
Advocate for the petitioner.*

*Petitioner-Malkeet Singh has
filed the present writ petition for quashing of the
impugned ex-parte order dated
18.01.2021 (Annexure P-3) passed by respondent
No.1 under the Employees Compensation Act,
1923, whereby a compensation amount of
Rs.8,44,234/- alongwith simple interest @ 9%
per annum has been awarded in favour of
respondents No. 4 and 5.*

Notice of motion for
24.05.2024.”

2. On the next date of hearing i.e. 18.04.2024,
following order was passed by this Court:-

“Present: Mr. Ravi Gakhar,
Advocate, for the
applicants/respondent
Nos.4 and 5.

Mr. Brijesh, Assistant
Advocate General,
Punjab.

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Present application has
been moved by the
applicants/respondent Nos.4 and 5 for
issuing direction to the petitioner to
deposit the awarded amount of
compensation.

Counsel for the
applicants/respondent Nos.4 and 5
submits that in fact, present writ petition
itself is not maintainable because as per
Section 30 of the Employees
Compensation Act, 1923, there is a
provision of appeal after depositing the
awarded amount by the Commissioner.

Notice in the application
to the non-applicant/petitioner for
24.05.2024, i.e. the date already fixed in
the writ petition (CWP-5037-2024).”

3. To respond to the objections raised by
respondent Nos.4 and 5, recorded in the order dated
18.04.2024, arguing counsel for the petitioner did not appear
on 24.05.2024.

4. Even today, counsel appearing on behalf of the
petitioner submits that arguing counsel namely Mr. Rakesh
Gupta, Advocate, is not available because he has gone out of
station.

5. On the other hand, Mr. Ravi Gakhar, Advocate,
counsel for respondent Nos.4 and 5 submits that because of the
pendency of the present writ petition, recovery process has not
even been started by the recovering agency.

Further submits that present writ petition was
filed in the year 2024, i.e. after three years of passing of the
award i.e. on 18.01.2021, and Recovery Certificate had been
issued on 23.03.2022.

6. On request made by counsel appearing on
behalf of the petitioner, adjourned to 31.05.2024.

7. However, it is made clear that Recovering
Agency has never been stayed from proceeding further, for the
purpose of effecting recovery of the awarded amount.

(SANJAY VASHISTH)
JUDGE

May 27, 2024”

2. Counsel for the petitioner seeks withdrawal of the present writ petition, with liberty to take alternate remedy of appeal if any, as per law.
3. Accordingly, present writ petition stands dismissed as withdrawn, with the liberty as sought and recorded here above.

31.05.2024
Lavisha

(SANJAY VASHISTH)
JUDGE

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