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

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Decided on : 05.02.2024

Punam & Poonam

. . . Petitioner(s)

Versus

Labour Commissioner,
Deputy Commissioner Office,
Kapurthala and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Brajesh Kumar, Advocate
for the petitioner(s).

Mr. Vipin Pal Yadav, Addl. AG, Punjab.

Mr. Rajiv Joshi, Advocate and
Ms. Manjari Joshi, Advocate
for respondent No.4.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Punam @ Poonam, has filed present writ petition, for seeking direction to the respondents to conclude the execution proceedings/execution application dated 01.12.2022 (Annexure P-4), which is in regard to the recovery of the compensation amount of Rs.6,50,962/- awarded by the Commissioner under the Employees Compensation Act, 1923-cum-Assistant Labour Commissioner, Kapurthala, vide its award dated 27.11.2019 (Annexure P-1).

2. Facts narrated in the writ petition are that husband of the petitioner namely; Raju (aged 28 years), was working as a caretaker on an ATM installed by State Bank of India, situated at Railway Station Kapurthala. In lieu of the services rendered by him, salary of Rs.6,205/- per month, was being paid to him, and same was being drawn through Account

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No.20216833393 of State Bank of India, Kapurthala. While on duty, he expired on 11.08.2017. Thereafter, claim for grant of compensation of Rs.10.00 lakhs, on account of death of said Raju, was filed by the petitioner along with her minor daughters.

3. Learned counsel for the petitioner submits that the respondent No.1 – Commissioner, exercising its powers under the Employees Compensation Act, 1923-cum-Assistant Labour Commissioner, Kapurthala, vide award dated 27.11.2019 (Annexure P-1), decided the Claim Application No. ECA/02/2017, wherein, petitioner and her minor daughters have been held entitled for the compensation amount to the tune of Rs.6,50,962/-, which is recoverable from the Managing Director-cum-Directors, Castech Group, 58/30, Ashok Nagar, Near Tilak Nagar, Metro Station, Gate No.3, New Delhi – 110018 (respondent No.3 herein).

4. Besides, it has also been observed in the award that State Bank of India (respondent No.4 herein), being the principal employer, will indemnify the Contractor, as per Section 12 of the Employees Compensation Act, 1923. The amount of compensation was ordered to be paid to the petitioner and her minor daughters along with interest @ 12% from the date of death i.e. 11.08.2017, till its realization.

5. Thereupon, for the purpose of recovery of the said amount, petitioner – Punam @ Poonam, filed her execution application dated 01.12.2022 (Annexure P-4), but same is pending despite the fact that entitlement of compensation was declared way-back on 27.11.2019 (P-1) i.e. about more than 04 years and 02 months.

6. This Court is well conscious of the fact that provisions of the Employees Compensation Act, 1923, are primarily for the purpose of

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rehabilitation of the bereaved family or the employee, whosoever, is in dire need of financial help. Any kind of delay at the instance of the authority or in the judicial proceedings or the *quasi* judicial proceedings is a matter of serious concern, because such practice would defeat the very purpose of such a beneficial legislation, which has been enacted with compassionate view point of the law makers.

5. Taking note of the fact that the amount of compensation was adjudicated on 27.11.2019 (P-1), and an execution application is also pending for the last more than a year, respondent No.1, who is informed to be exercising the powers under the Employees Compensation Act, 1923, is directed to decide the execution proceedings/execution application dated 01.12.2022 (P-4), and also to conduct the proceedings regarding the recovery of the amount, in accordance with law, within a period of four months from the date of submission of certified copy of this order.

6. With the aforementioned observations/directions, present writ petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

February 05, 2024

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ✓ Yes/~~No~~