

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

110

CWP-3185-2001 (O&M)

Date of Decision : October 15, 2025

KULBIR SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Manisha Rani, Advocate (*Amicus Curiae*)
for the petitioner.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

Mr. Akshdeep Singh Sidhu, Advocate for
Mr. Animesh Sharma, Advocate
for the respondents No.3 and 4.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner seeks issuance of directions to the respondent(s) to take an appropriate decision regarding the grant and disbursement of compensation for the disability sustained by him while discharging his official duties, in accordance with the provisions of the Employee's Compensation Act, 1923 (hereinafter referred to as the "Act of 1923").

2. The writ petition has been pending consideration since the year 2001. As none had been appearing on behalf of the petitioner for several dates of hearing, this Court, vide order dated 22.09.2025, appointed Ms. Manisha Rani, Advocate, as *amicus curiae* to assist the Court on behalf of the petitioner.

3. Learned *amicus curiae* submits that the petitioner, while on duty, met with an accident resulting in 65% disability, as can be

deciphered from the Medical Certificate (Annexure P-2). It is, therefore, submitted that the petitioner is entitled to receive compensation under the provisions of the Act of 1923. It is further submitted that since the petitioner's employer failed to discharge the obligation of paying such compensation, the petitioner is also entitled to damages.

4. *Per contra*, learned counsel appearing for respondents No. 3 and 4 submits that the instant writ petition is misconceived inasmuch as the petitioner never filed any claim application before the competent authority, i.e. Commissioner, who is authorized under Section 19 of the Act of 1923 to adjudicate such disputes. Consequently, when the petitioner has straightaway filed the instant writ petition, without taking recourse to the statutory remedy, the instant writ petition is not maintainable.

5. Learned counsel for respondents No. 3 and 4 further submits that the petitioner has suppressed material facts from this Court. It is stated that the petitioner holds Insurance No. 5361814, and is fully covered under the Employees' State Insurance Act, 1948, and is already receiving a regular monthly pension of approximately ₹889/- from the Employees' State Insurance Corporation.

6. This Court has heard submissions of learned counsel for the parties and perused the record, however, does not find any merit in the instant writ petition, as the same is a misconceived motion. The reason for drawing this inference stems from the fact that the petitioner has not availed the statutory remedy by approaching the competent authority under the Act of 1923 for adjudication of his claim. Instead, he has straightaway approached this Court seeking directions to the

respondent(s) for payment of compensation for the disability suffered while on duty.

7. In summa, the instant writ petition is **dismissed**. However, liberty is reserved to the petitioner to, in case, he has any grievance, approach the competent authority in the first instance for redressal of his grievance.

8. **Disposed of accordingly.**

9. Pending application(s) also stand disposed of accordingly.

10. The requisite fee/remuneration of the *amicus curiae* shall be paid by the High Court Legal Services Committee.

October 15, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No