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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 381/2018**

SATYA NARAIN

.....Appellant

Through: Mr. K.G. Sharma, Adv.

versus

**COMMISSIONER FOR EMPLOYEES COMPENSATION &
ORS**

.....Respondents

Through: Ms. Sweety Singh and Mr.
Sudipta Singha Roy, Adv. for
R-1

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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03.04.2025

1. The hearing is being conducted through hybrid mode.

CM APPL. 32463/2018 (delay of (days not mentioned) in filing the present appeal)

2. Having heard the learned counsels for the parties present and on perusal of the record, it is borne out from the record that the present appeal has been instituted on 04.08.2018 assailing impugned order/award dated 05.06.2018 passed by the learned Commissioner, Employees' Compensation.

3. Although the appeal is filed beyond the prescribed thirty days, for the reasons stated in the application, the same is allowed and the delay in filing the present appeal is condoned.

4. The application stands disposed of.

FAO 381/2018 and CM APPL. 32465/2018 (stay)

5. The appellant is preferring this appeal under Section 30 of the



Employees' Compensation Act, 1923⁴, thereby assailing not only impugned judgment/order dated 05.06.2018 passed by the learned Commissioner, Employees' Compensation awarding compensation to the respondent No.1/injured employee, but also assailing the previous orders dated 20.12.2017 and 06.02.2017 passed by the learned Commissioner, Employees' Compensation

6. Having heard the learned counsels for the parties present and upon perusal of the record, this Court finds that the present appeal is bereft of any merits.

7. It is borne out from the record that the appellant was claimed to be the employer of respondent No.1/workman, namely Bal Kishan. He was duly served with the notice of the claim petition instituted by as respondent No.1 so much that not only vakalatnama, as well as reply was filed by him. However, later on he failed to appear during the inquiry and eventually the impugned *ex-parte* award dated 05.06.2018 was passed.

8. The plea raised by the learned counsel for the appellant that the appellant was never served with notice of the enquiry proceedings with respect to the claim for compensation filed by the respondent No. 1 is belied from the order dated 20.12.2017, which was passed by the learned Commissioner, Employees' Compensation, which reads as under:

“20.12.2017

WS/58/NW/14

For respondent no.2 -Sh. Sat Narain alongwith Shri Raj Kuimar Maan, Advocate

Heard the arguments of respondent no.2. He states that he had some knowledge about the case and he had come to the court once but there was some confusion and he was not aware about the case against him. In the application, he has stated that he was never

⁴ E.C. Act



served any notice and signature on alleged WS are forged.

It is prayed that name of applicant be deleted from the array of parties.

In this case the order was passed on 06.02.2017 on merits, and as per order, the respondent had filed reply.

There are no provision to delete the name of respondent no.2 from the array of parties at this stage. Hence, the application is dismissed.”

9. The said order was not challenged by the appellant at any point of time, and thereafter, he also failed to appear during the proceedings. No evidence was led by the appellant that there was no relationship of employer and employee between the parties.

10. Interestingly, a plea was raised by the learned counsel for the appellant that he had neither filed any *vakalatnama* nor a reply and that his signatures were forged on the same. At the cost of the petition, the order dated 20.02.2017 was not assailed in any manner.

11. Therefore, there is no requirement to write a long thesis on the subject. It is manifest that the aforesaid pleas have been raised in order to wriggle out of his liability to pay compensation to respondent No. 1/workman.

12. The present appeal must fail for the appellant not taking any diligent steps to protect his legal rights during the course of legal proceedings/inquiry before the learned Commissioner, Employees' Compensation. The appeal is accordingly dismissed.

13. The pending application is also disposed of accordingly.

DHARMESH SHARMA, J.

APRIL 03, 2025/sp