

CWP-25799-2015 (O&M)

2026.PHHC.075136



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

**CWP-25799-2015 (O&M)
Date of decision: May 12, 2026**

HANS RAJ (DECEASED) THROUGH LRSPetitioner

Versus

**WORKMEN COMPENSATION COMMISSIONER & ORS
....Respondents**

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ravi Gakhar, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Additional AG, Punjab.

Ms. Nisha Malik, Advocate for respondent No. 5 (through VC).

KULDEEP TIWARI, J. (ORAL)

1. The petitioner – Hans Raj is fighting the instant petition since 2015 just to get executed award dated 26.08.2004 (Annexure P-1) passed by Workmen's Compensation Commissioner, and Labour-cum-Conciliation Officer, Rajpura whereby petitioner was held entitled for compensation to the tune of Rs.4,15,960/- alongwith compensation interest at the rate of 12% per annum from the date of accident till actual payment.

2. The reason spell out for non-execution of award (supra), is that respondent No. 4, has not disclosed all his moveable and immovable properties.

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And therefore, the compensation, as awarded to the petitioner on account of demise of his son in an accident has not been given. And unfortunately, the petitioner (deceased) was never able to get this compensation during his lifetime, as he has since died during the pendency of instant petition. Now, his LRs, i.e. remaining two sons, are contesting the litigation and seeking execution of award (supra).

3. Learned counsel for the petitioner submits that there is a complete failure on the part of the District Collector, Patiala in exercising its power, as vested with him, to recover the awarded amount as a land revenue therein. Learned counsel for the petitioner submits that District Collector is empowered to resort to the coercive methods for getting the award executed, however, entire burden is shifted upon the petitioner to search out for the remaining assets of respondent No. 4, and to inform the authority concerned, and only thereby, they would proceed to get the amount recovered. Finally, learned counsel submits that no sincere efforts were ever made by the authority concerned for execution of the award (supra).

4. Learned counsel for the respondents submit that efforts were made to get the award executed, as one truck belonging to respondent No. 4 was subsequently sold in open auction, and an amount of Rs.72,500/- was paid to the petitioner. Still, the sufficient amount is yet to be recovered, and no further property – either moveable or immovable asset of respondent No. 4 was traceable, therefore, no further action has been taken.

5. This Court has heard the submissions of learned counsel for the parties concerned.

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6. Section 31 of Employees Compensation Act, 1923, empowers the Commissioner to effect the recovery of awarded amount, as arrears of land revenue. Section 31 of Employees Compensation Act, 1923 is reproduced as hereunder:-

“31. Recovery. -- The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.”

7. Section 5 of the Revenue Recovery Act, 1890 assumes significance which is also reproduced hereinafter:-

“Recovery by Collectors of sums recoverable as arrears of revenue by other public officers or by local authorities .-Where any sum is recoverable as an arrear of land-revenue by any public officer other than a Collector or by any local authority, the Collector of the district in which the office of that officer or authority is situate shall, on the request of the officer or authority, proceed to recover the sum as if it were an arrear of land-revenue which had accrued in his own district, and may send a certificate of the amount to be recovered to the Collector of another district under the foregoing provisions of this Act, as if the sum were payable to himself.”

8. Section 4-A of the said Act, also spells out the detailed procedure for effecting recovery of the awarded amount, which reproduced as under:-

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4A. Compensation to be paid when due and penalty for default.—(1) Compensation under section 4 shall be paid as soon as it falls due.

(2) In cases where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accepts, and, such payment shall be deposited with the Commissioner or made to the workman, as the case may be, without prejudice to the right of the workman to make any further claim.

(3) Where any employer is in default in paying the compensation due under this Act within one month from the date it fell due, the Commissioner shall—

(a) direct that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent. per annum or at such higher, rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government by notification in the Official Gazette, on the amount due; and

(b) if, in his opinion, there is no justification for the delay, direct that the employer shall, in addition to the amount of the arrears and interest thereon, pay a further sum not exceeding fifty per cent. of such amount by way of penalty:

Provided that an order for the payment of penalty shall not be passed under clause (b) without giving a reasonable opportunity to the employer to show cause why it should not be passed.”

9. This Court has also perused inter se communication between the Commissioner, and the District Collector, Patiala, which reflects that no concrete efforts as per the above laid down provisions has been made. This Court can safely conclude that the both, the Commissioner concerned, as well

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as, the District Collector, Patiala, failed to exercise their vested jurisdiction. It is transpired from the record that respondent No. 4 has resorted to file civil suit before the Civil Court concerned against the petitioner, and despite that, he was not traced out by the District Collector concerned so as to take coercive method for getting the award enforced.

10. In view of the above observations, this Court direct the District Collector concerned, who is ceased of the matter, to make all its endeavor to trace out respondent No. 4, and also to identify all his movable and immovable assets, and thereupon, in view of above explained statutory provisions, take a final action thereupon. The District Collector concerned is also directed, to carry out this exercise within three months from the date of receipt of certified of this order.

11. **Disposed of** accordingly.

12. Pending application(s), if any, also stand disposed of accordingly.

May 12, 2026
Rts

(KULDEEP TIWARI)
JUDGE

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