

08/12/2021

Title: - Kushi v/s BSES 2002

for claimant none pet

for R₁ Ms Ronila Joshi Adm ptfor R₃ Sh. Radhey Shyam Adm pt

R. No. 3 Ins. Co. had filed app dt 22/7/19
 order dt 20/9/16 to stay ex. order dt 19/6/19
 wherein resp. submitted that penalty imposed
 upon him to the extent of 50% u/s 4A(B) of
 Act. By the Cd. Comm. is not justified
 since R₁ & R₂ employees u/s 4A(B) of Act are
 bound to pay compensation to the claimant.
 If the resp R₁ & R₂ being the employees failed
 to do so then R₃ shall be held for
 payment of penalty. R₃ relied upon
 judgment of Bombay High Court 1997/ACT
 Ved Prakash Garg v/s Bansi Devi & Anr
 reported in II 1997 ACT 520 on the basis of
 submission Cd. Comm. argued that R₃ Ins. Co.
 should be subjected for payment of penalty
 & order against them be set aside.

for pet. none pet. for R₁ Ms Ronila Joshi
 filed reply wherein she has objected
 app. filed by R₃ in toto. on the ground
 that there is no provision to review the
 order by EC Comm. the order has been
 passed as merit. R₃ Ins. Co. has not
 placed any justified ground as objection.
 by which it may be exempted from payment.

afforded. Petitioner did not filed any counter reply.

I have considered the contents of application & requests addressed & found that the app. in the claim not have any merit. Moreover this authority have no authority to review the order. As such app dt 22/1/19 is dismissed with the direction to R3 to comply the order passed by the Commissioner dt 28/03/16 and 19/06/16. Copy of the order be uploaded on the website of labour dept. Accordingly the app in question is dismissed with costs PR.

Ranula
Adv for M-1
BYP. 8/12/21

Q
more

