

N/25

No:- CEC-D/02/WD/12

12/5/22

Smt Suraj Mukhi v/s O Desi Shasab Thakur @ DTTDC

for clunt SN Shukla along with
clunt.

for Respt. Nane

This case was decided by Commissioner
Employee by order date 30/11/15
vide this order Commissioner held
entitlement to receive compensation
amt ₹ 486024/- along with 12%
interest P.A in fav. of Clunt.

Acc. Respt. had deposit order Amt
Commissioner, but Respt. therefore
a few No '28/16 CM No 10578/16
against order of Commissioner
Employ Compensation. vide order date
31/3/16 Hon. High Court to Comm
50% of Compus. amt Deposit by
Respt. not more tranquil to be
released to Clunt.

Thereafter Respt. Mangum filed
SLP No. C 23850/2018 before Hon Supreme
Court & Hon Supreme Court vide order
dated 14/9/18 dispose off SLP with
direct. to petitioner Mangum to
take awarded sum to Respt. And
through legal Representatives of Respt.
within 3 months from today after
deduct part payment if made.

for Respt.
27/9/22

AR of Court Submi that Court N/26
Rec. 50%. Comp. Amt in term
of Hon'ble Court & 50%.
was to be released to Court
by Commissioner Compensation.

AR of Court directed to comply
procedure to file the disbursement
amt. copy for rem. Amt.

Court. has filed app'l dated 24/12/19
against Respt. for 50% penalty
on awarded amt. under Sec 4A
of Enpl. Comp. Act ACC issue Notice
Sumon 25/3/21 was issued to
Respt. to cause wise penalty
under Sec 4/A (3) (B) be not imposed
on Respt.

Respt. 1 & 2 filed reply on sec.
wherein it is stated that R2
not entitled to pay penalty
Amt as there is no unrec.
delay in paying amt bec.
in term of order 30/11/15

Respt. had depstd. order Amt
₹ 486024/- along with 12% intst.
P.A from date of Accident 14/11/10
till actual payment in Court.
Further submitted that as per order
of Hon. High Court, appeal of R2
was dismissed & SLP against order
of High Court SLP was filed before Hon'
Supreme Ct & same was dismissed

vide order Dd. 14/9/18.

In the last Respt. Submit appl for penalty does not have merit

& same liable to dismissed.
on other side Court filed counter reply
& denied the contents of reply of
R₁ & R₂ & rejected the prayer of
appl for penalty.

today matter fixed for Arg.
from parties. AR of pet. argued
in line of content of application
& both argued that since High
Court & Supreme Court respect.

dismissed the appl of R₁ & R₂
on ground that there was no
substantial As respt. liable to
pay penalty of 50% on awarded
Amt. as per section 4A (3)

(B) of Emp. Comp. Act.

Till 11AM No one appear for R₁ & R₂
to lead Arg. in this matter.

I have consider the pleading
doc availbl on rec. found that
R₁ & R₂ had not complied Sec 4A(B)

of Act. Sec 4A (3) (B) of Act
stipulates that if any injury results
in death cause to the Employee
out of in course of employment
with respt. then respt. as per
Section 3 liable to pay Comp.
within 30 days from date of
Acciden.

But in this case Sec 4 A (3)
not followed by Respt.

N/28

In this case Respt. had deposited
compensation after the order dt. 30/11/15
of Enq Commission when they
prefer an before High Court
by way of filing FAO
agreed by Commis
while this Death of dec. on
14/11/2010 This not going in to
region of Cause of Death as
disc. by Commissioner because
I have to remain extent only
to point of penalty. In SLP
appeal. Hon'ble Supt. Court declined
to interfere in order of Hon'ble
Court of Delhi. order dt. 14/9/18
2 directed the Respt. Company
(Behaver) to pay Award Amt
to Respt/Clint who is legal
representative with in 3 months
Hon'ble Supreme Court in its Judgment
Justice Narayan Singh have directed
that if any injury are death
cause due to acc. out of
course of empl. with Respt.
Respt. has to pay in 30 days
from date of Accident to
petitioner or to the deceased

if Resp. Employer failed to pay
Comp. Accordance with prov.
of law of Comp. Act & if not
justified ground before Commissioner
for not paying. Comp. as stipulated
under Act. to extent 50%.

penalty can be imposed.
after considering all fact of case
I couldn't find any ground
which stop me for not imposing
penalty on Resp. under Sec

4 A (3) (B) Acc. I hold that
this case fit for pay penalty
under 4 A (3) (B) on Resp.
to extent on 50% amount
₹4,86,024 which comes to ₹2,43,012
Acc. I direct Resp 1 & 2 joint
or sever. to deposit ₹2,43,012
as a penalty by Demand Draft
within 30 days from this
order from today failing
which same be recover
under Act.

acc. appl. allowed copy of
order sent to all parties
compliance. order announce
in open court today file
Consigne RR. Order be uploaded on
lab Deptt. website.

