

THE HIGH COURT OF TRIPURA
AGARTALA

MFA(WC) NO. 16 OF 2011

The National Insurance Company Ltd.,
Represented by its Divisional Manager,
Agartala Division Office,
Akhaura Road, P.S. West Tripura,
District-West Tripura.
(Insurer of the vehicle No.WB-25B-4213 Truck).

..... **Appellant.**

- V e r s u s -

1. Sri Ram Dulal Roy,
S/O. Banamali Roy.
2. Smt. Sabita Roy,
W/O. Sri Ram Dulal Roy.

Both are residents of Dhanchakma,
Karoilong, Teliamura,
P.S. Teliamura,
District-West Tripura.

..... **Petitioner-Respondents.**

3. Sri Nitai Adhikari,
S/O. Sri S.K. Adhikari,
Resident of Vill.-Mainagudi,
Noapara Gate, P.O. Noapara,
Barasat, P.S. Barasat,
North 24 Pargana, Kolkata,
Pin-700125, West Bengal.
(Owner of vehicle No.WB-25-B-4213 Truck).

..... **Owner Respondent.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	: Mr. P. Gautam, Advocate.
For the respondents	: None.
Date of hearing and delivery of judgment and order.	: 23.06.2015.
Whether fit for reporting	: NO.

JUDGMENT & ORDER (ORAL)

This appeal by the Insurance Company is directed against the award dated 04.01.2011 passed by the learned Commissioner, Workmen's Compensation, West Tripura, Agartala whereby he awarded Rs.5,74,333/- in favour of the petitioners along with interest @ 12% per annum from the date of death of the deceased and further ordered that in case, the amount is not paid within 30(thirty) days, interest would be payable @ 14% per annum.

2. Two points have been raised by the Insurance Company. The first point is that the death of the deceased had no causal connection with his employment. The second issue raised is that the Commissioner had no jurisdiction to award penal interest of 14%.

3. As far as the first issue is concerned, I find no merit in the same. As per the averments and evidence led on record, the deceased was driver of the vehicle. He was bringing goods from Kolkata to Agartala in the said vehicle. On the way, the miscreants attacked the vehicle with a view to loot the vehicle and steal the goods. The driver died while protecting the goods being carried in the vehicle. This is part of his duty and, therefore, I find no merit in this submission.

4. However, Mr. P. Gautam, learned counsel for the appellant-Insurance Company, is right that under the Workmen's

Compensation Act, only interest @ 12% can be awarded and no higher rate of interest can be awarded.

5. Therefore, the appeal is allowed to the limited extent that the awarded amount shall carry interest @ 12% per annum and even if it is not deposited within 30(thirty) days, it shall not carry interest @ 14% per annum.

6. The appeal is disposed of.

7. Send down the lower court records forthwith.

CHIEF JUSTICE