

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CIVIL MISCELLANEOUS APPEAL No.3040 OF 2004

Dated 6th April, 2015

Between:

Jakkidi Bixam Reddy and others.

...Petitioners.

And:

Ch.Anjaiah and another.

...Respondents.

-

-

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CIVIL MISCELLANEOUS APPEAL No.3040 OF 2004

JUDGMENT:

This appeal is against orders of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Nalgonda, dated 01-01-2004 in W.C.No.4 of 2002, whereunder, he granted Rs.2,86,863/- against the claim of Rs.1,80,000/-.

Aggrieved by the same, claimants preferred appeal contending that the Commissioner ought to have appreciated the material while granting compensation like the minimum wages etc., It is further contended that learned Commissioner ought to have awarded interest at the rate of 12% p.a, from the date of accident. On these two grounds, the appeal is preferred.

Heard both sides.

I have perused the material including record of the lower authority.

As seen from the material, it is the contention of the appellants that deceased worked as driver on lorry bearing No.AP-37U 4588 belonging to first respondent herein and he died in the accident for which they are entitled for compensation of Rs.1,80,000/- on the ground that he was getting Rs.2,500/- per month as salary. The lower authority after examining documentary evidence produced on behalf of both parties including the evidence of 2nd claimant, granted a sum

of Rs.2,86.863/-. Now one of the contentions of the advocate for appellants is that lower authority has not taken into consideration the Minimum wages Act. But as seen from the order of the lower authority, the Minimum Wages as on the date of accident including V.D.A. are Rs.2,645/- but as the claimants pleaded that the deceased was getting Rs.2,500/- per month towards wages that was accepted by the lower authority and on that basis calculated compensation and that it was higher than the claim, he granted higher amount as it is beneficial to the claimants. Therefore, the objection of the appellants with regard to wages of the deceased cannot be sustained.

The other objection of the appellants' counsel is that the interest is not granted on the compensation amount but this objection also cannot be accepted as the lower authority granted higher amount as compensation than the claim and therefore, this objection is not sustainable.

For these reasons, this Civil Miscellaneous Appeal is devoid of merits.

Accordingly, this Civil Miscellaneous Appeal is dismissed.

No costs.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI KUMAR

Dated 6th April, 2015

Dvs

HONOURABLE SRI JUSTICE S.RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.3040 OF 2004

Dated 6th April, 2015

Dvs