

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Miscellaneous Appeal No.256 of 2005

Dated 21st January, 2015

Between:

Ch.Venkat Reddy

...Appellant

And

N.Bhaskar Goud and another

...Respondents

Counsel for the appellant: Sri M.Vijay Reddy

Counsel for the respondents: ----

The Court made the following:

JUDGMENT:

Partly aggrieved by the award, dated 27.01.2005, in W.C.No.44 of 2003, on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-IV, Hyderabad, the appellant has filed the present appeal.

Though notices have been served on the respondents, neither of them has entered appearance.

I have heard the learned counsel for the appellant and perused the record.

The facts in the case are not in dispute. The appellant, who is the driver employed by respondent No.1, met with an accident as a result of which he suffered compound fractures. He was treated as in-patient from 27.05.2003 to 23.07.2003 at NIMS, Hyderabad and has undergone surgery for fractures. Based on the medical evidence, the Commissioner has awarded a sum of Rs.74,801/-. In the appeal, the appellant has claimed reimbursement of medical expenses and also interest.

As regards reimbursement of medical expenses, the Employee's

Compensation Act, 1923 (for short 'the Act'), as it stood when the accident took place and the case was adjudicated did not provide for reimbursement of medical expenses. Therefore, the Commissioner is justified in not passing award in respect thereof.

Under Section 4A(3) of the Act where any employer is due under the Act and he fails to pay the same, within one month from the date it fell due, the Commissioner shall direct the employer to pay simple interest thereon at the rate of 12% 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, on the amount due.

In the light of this provision, the Commissioner ought to have awarded interest at the rate of 12% pa from the date of expiry of 30 days from the date of accident. Therefore, the award of the Commissioner is modified by directing payment of interest at the rate of 12% pa on Rs.74,801/- from the date of expiry of 30 days from the date of the accident.

The appeal is accordingly allowed in part to the extent indicated above.

As a sequel to disposal of the CMA, C.M.A.M.P.No.571 of 2005 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

21st January, 2015
VGB