

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.4343 of 2004

JUDGMENT:

This appeal is preferred against order dated 06.05.2003 in W.C.No.15 of 1999 on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Nalgonda (for short, 'lower Authority').

2. Brief facts leading to this appeal are as follows:

Appellants herein are parents of deceased Jakka Venkata Reddy, who worked as driller on the rigging machine of 1st respondent herein and he was drawing a salary of Rs.3,000/- per month in addition to batta at the rate of Rs.20/- per day and that on 10.05.1996 while he was on duty as workman, the drilling rod came into contact with a live wire of electricity and because of electric shock he died and his parents claimed a sum of Rs.2,26,380/- as compensation.

3. Lower Authority on consideration of oral evidence of AW.1 and Exs.A.1 to A.5, granted a sum of Rs.2,24,000/- with interest at 9% per annum from the date of accident till date of realization. Aggrieved by the quantum, claimants preferred the present appeal.

4. Heard arguments.

5. Advocate for appellants submitted that the lower Authority has not granted any amount towards funeral expenses and granted lessor rate of interest though the Act contemplated interest at the rate of 12% per annum and on these two grounds present appeal is preferred. It is submitted that lower Authority erred in not granting interest at the rate of 12% per annum and also in not granting any amount towards funeral expenses.

6. Other side advocate supported the order of lower Authority.

7. I have perused the material papers and also impugned order dated 06.05.2003. The lower Authority took wages of the deceased at Rs.2,000/- per month and multiplied with relevant factor applicable to the age group of 18 years and on calculation the amount came to Rs.2,24,000/- and the same is awarded with interest at 9% per annum. The claim of appellants itself is Rs.2,26,380/-, there is no separate claim for funeral expenses and only consolidated figure is claimed. Difference amount disallowed by the lower Authority is only Rs.2,380/-, I do not find any justifiable grounds to interfere with the award of Rs.2,24,000/- fixed by the lower Authority.

8. So far as the interest part is concerned, lower Authority granted only 9% per annum, but as rightly

pointed out by advocate for appellants as per provisions of Section 4(4) of the Workmen Compensation Act, rate of interest has to be awarded at 12% per annum, therefore, the lower Authority committed error in granting only 9% per annum when the Act contemplates 12% per annum. Therefore, the award of lower Authority can be modified to the extent of interest part.

9. Accordingly, appeal is partly allowed granting interest at 12% per annum from the date of accident till date of realization instead of 9% per annum on the awarded amount of Rs.2,24,000/-. No costs.

10. Miscellaneous Petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

22nd April 2015.

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