

**HON'BLE SRI JUSTICE S. RAVI KUMAR**

**CIVIL MISCELLANEOUS APPEAL No.4495 of 2004**

**JUDGMENT:**

This appeal is preferred against orders dated 13.08.2003 in W.C.No.58 of 2003 on the file of Commissioner for Women's Compensation & Assistant Commissioner of Labour, Karimanagar.

2. Appellant herein is Insurance Company, who is second respondent in W.C.No.58 of 2003 and claimants are respondent Nos.1 to 6. Claimants filed application under Section 22 of Workmen's Compensation Act, 1923 before Commissioner for Workmen's Compensation & Assistant Commissioner of Labour, Karimnagar contending that the deceased Bheemaiah was employed as driver under 7<sup>th</sup> respondent herein on lorry bearing No.AP-16-U-519 on a monthly salary of Rs.3,000/- and that the said Bheemaiah died while on duty in a accident that took place on 05.03.2001 and that they are entitled for compensation of Rs.4,00,000/-.

3. Insurance company filed counter and resisted the claim of claimants. The lower authority conducted enquiry, during which, two witnesses are examined and 6 documents are marked on behalf of claimants and on behalf of insurance company, no witness is examined and only one (01) document is marked as Ex.R1. On a over all consideration of oral and documentary evidence, the lower authority granted Rs.3,30,098/- with interest at 12%.

4. Heard arguments.

5. The main grievance of insurance company is that the

lower authority erred in granting interest on the compensation, which is not provided in the Act. It is also contended that the lower authority erred in fixing wages of the deceased at Rs.3,000/- per month and that the compensation arrived at is high and excessive.

6. Now the point that would arise for my consideration is:

***Whether the order of the Commissioner for Workmen's Compensation & Assistant Commissioner of Labour, Karimnagar is legal, proper and correct?***

**POINT:**

7. As seen from the record, claimants claimed a sum of Rs.4,00,000/- contending that the deceased/driver was earning Rs.3,000/- per month as salary. The lower authority by taking minimum wages into consideration, took the wages of deceased at Rs.3,070/-, which includes VDA and calculated the compensation. Though appellants contended that this Rs.3,070/- is wrongly taken, I am unable to accept the objection of insurance company because it is in terms of the G.O.Ms.No.30, dated 27.07.2000, which came into force w.e.f. 27.07.2000. So, as on the date of accident, the minimum wages prescribed for the driver is Rs.2,587/- basic wage + VDA, which was Rs.3,070/-.

8. As seen from the record, there is no dispute with regard to relationship of employee and employer between the deceased Bheemaiah and 7<sup>th</sup> respondent herein. Now, only objection of insurance company is that the lower authority granted interest contrary to the provisions of the Act. As per the decision of Hon'ble Supreme Court in **SABERABIBI YAKUBBHAI SHAIKH AND OTHERS Versus NATIONAL INSURANCE COMPANY LIMITED AND OTHERS**<sup>[1]</sup>, claimants are entitled for interest,

therefore, objection of the insurance company with regard to awarding interest on the compensation amount cannot be sustained.

9. On a scrutiny of the material, I am of the view that there are no grounds to interfere with the compensation awarded by the lower authority and that the appeal is devoid of merits.

10. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Miscellaneous Petitions, if any pending, in this Appeal, shall stand closed.

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**S. RAVI KUMAR, J**

Date: 08-04-2015.  
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[\[1\]](#) (2014)2 SCC 298