

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.151 of 1993 (O&M)

Date of Decision:21.01.2015

The New India Assurance Company Ltd.

....Appellant

Versus

Shri Dharam Chand and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Lalit Garg, Advocate for the appellant.

Mr. Neeraj Khanna, Advocate for respondent No.1.

NAVITA SINGH, J.

1. Under the erstwhile Workmen's Compensation Act, the Commissioner at Chandigarh awarded a sum of Rs.1,00,219.50P as compensation to respondent No.1 herein for an injury received by him during the course of employment. The Insurance Company came up in an appeal on the ground that the amount was on the higher side.

2. Counsel for the appellant argued that when the injured appeared in the witness box, he said that he was under the employment of respondents No.2 and 3 at a monthly salary of Rs.1000/- per month as Conductor. In the FIR, however, the salary was given as Rs.500/- per month. The accident took place on 27.5.1998. The claimant had also mentioned that the expenditure on his treatment came to Rs.30,000/- which was not possible as he was treated for fracture and in 1988 he could not have spent that much amount.

3. Counsel for the contesting respondent i.e. the claimant, argued that the amount of Rs.30,000/- as such was not awarded by the Commissioner only

for medical expenses nor anything separately was assessed on the basis of income. A consolidated sum was awarded without showing the bifurcation.

4. Counsel for the appellant argued that even if the salary of respondent No.1 is taken to be Rs.500/- per month at the relevant time, then in view of Section 4 of the Act, which was in force at that time and is now the Employees Compensation Act, the compensation would come to Rs.66,813/-, because 60% of the salary i.e. Rs.300/- was to be multiplied by the relevant factor according to age which was 222.71.

5. Even if it be presumed that the Commissioner took the salary of Rs.500/- per month and the compensation on account of income came to the amount mentioned above, the rest of the amount awarded for medical expenses and for suffering was not on the higher side, especially when no interest was given on the awarded amount.

6. Counsel for respondent No.1 submitted that no interest was awarded and no penalty was imposed on the employer but the injured was satisfied with the claim as he had no means to file appeal. The amount having been given without any interest thereon was sufficient relief to the appellant. It is felt that it would not be in the interest of justice to disturb the order passed in 1992 at this stage, especially when it is found that the amount was not exaggerated.

7. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

21.01.2015
Ishwar

Whether to be referred to reporter: No