

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1466 of 1991 (O/M)
Date of decision : 8.4.2015

Poonam and another

..... Appellants

Versus

Ram Kishore Gupta and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sachin Mittal, Advocate, for the appellants.

Mr. Neeraj Khanna, Advocate, for,
Mr. Deepak Suri, Advocate, for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

It comes out that the case of the file was burnt in the fire that took place in the record room of this Court in year 1996 and the file was re-constructed by another counsel with no objection from earlier counsel and the re-constructed file was submitted to this Court on 15.9.2003. Thus, there is no order available on file prior to 2005.

This is claimants' appeal for enhancement of compensation granted by the Commissioner under the Workmen's Compensation Act, 1923, Hisar Circle (in short 'the Commissioner'), vide award dated 12.6.1991.

The brief facts of the case are that Naresh Kumar, father of appellant No. 1 and husband of appellant No. 2, was working as a truck driver with Ram Kishore Gupta (respondent No. 1 herein). He was aged about 35 years. It is stated that he was getting Rs. 800/- per month as wages. He was also getting Rs. 20/- per day as travelling allowance and daily allowance. On 17.1.1989, he died while on duty due to an accident that occurred near Hisar. DDR No. 30 dated 17.1.1989 was registered at Police Station Sadar, Hisar. The vehicle was insured with the respondent-Insurance Company. As per the Unamended Act, as applicable in the year 1989, under Section 4 of the Workmen's Compensation Act, 1923 (in short 'the Act'), the applicants were entitled to an amount equal to 40% of the monthly wages of the deceased employee multiplied by relevant factor or the amount of Rs. 80,000/-, whichever is more. The Commissioner under the Workmen's Compensation Act, 1923, Hisar Circle (in short 'the Commissioner') awarded a compensation of Rs. 63,059-20 taking the wages to be Rs. 320/- multiplied by the relevant factor i.e. 197.06.

The only contention of the learned counsel for the appellants is that the section itself provides that out of the said amount, Rs. 80,000/-, which is more, is to be allowed. There is no dispute qua legal proposition. Therefore, the compensation should be Rs. 80,000/-, in place of Rs. 63,059-20. Accordingly, the present appeal is allowed to the extent that in place of Rs. 63,059.20,

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SANJIV KUMAR SHARMA
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I attest to the accuracy and
authenticity of this document

Rs. 80,000/- as compensation is allowed. The enhanced compensation with interest @ 7.5% per annum from the date of passing of the award i.e. 12.6.1991 be deposited within one month.

(KULDIP SINGH)
JUDGE

8.4.2015
sjks