

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 306 of 1994 (O/M)
Date of decision : 5.8.2015

New India Assurance Company Limited Appellant

Versus

Rani Devi and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. L.M. Suri, Senior Advocate, with,
Ms. Rajni Paul, Advocate, for the appellant.

None for respondents.

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)

This appeal has been filed by the insurance company against the award dated 27.10.1993, passed by the Commissioner under the Workmen's Compensation Act, Hoshiarpur (in short 'the Commissioner), vide which the appellant-insurance company was directed to deposit the balance of Rs. 43,077/- before the Commissioner within one month from the date of order, failing which it is liable to pay penalty @ 30% of the balance payable amount together with interest @ 6% per annum.

The brief facts of the case are that Rani Devi widow of Ram Dutta and her three minor sons moved an application under

Section 8 of the Workmen's Compensation Act (in short 'the Act') before the Commissioner for disbursement of Rs. 29,904/-, deposited by the insurance company before the Commissioner on account of death of her husband. In the said application, the Commissioner took the same as an application under Section 22 of the Act for grant of compensation and held that lesser compensation has been paid. Therefore, the compensation was re-calculated and accordingly more compensation was ordered to be paid.

I have heard learned counsel for the appellant and have also carefully gone through the file.

I am of the view that the Commissioner has acted illegally. In this case, the insurance company had made the calculations and deposited the amount of compensation as per their calculations, amounting to Rs. 29,904/-. An application was moved under Section 8 of the Act for disbursement of the amount. Therefore, the Commissioner was required only to disburse the amount. The amount could not be enhanced without any application being filed in this regard. Therefore, the impugned order is patently illegal and is hereby set aside.

The appeal is accordingly allowed.

(KULDIP SINGH)
JUDGE

5.8.2015
sjks