

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.5804 of 2013 (O&M)
Date of Decision: May 25, 2015**

Mauj Khan alias Koj Khan and others .. Appellants

vs.

M/s Lucknow Kanpur Goods Carrier and another .. Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rajesh Bhateja, Advocate for the appellants.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CM-24135-CII-2013

There is a delay of 331 days in filing the present appeal.

For the reasons mentioned in the application, delay of 331 days in in filing the present appeal is condoned subject to all just exceptions.

Application stands disposed of.

FAO-5804-2013

This is an appeal against the order dated 13.09.2012 passed by the Commissioner under the Employees' Compensation Act, 1923 (in short 'the Act'), Palwal, vide which the compensation to the tune of ₹4,23,580/- (rupees four lac twenty three thousand five hundred eighty only) along with interest of 12% per annum till its

realization after 30 days of the Award was allowed to the present appellants.

Briefly stated, Aas Mohd., aged about 28 years was stated to be working as second driver and getting salary of ₹5,000/- per month. He died in a motor vehicular accident, which occurred on 25.01.2008. In the absence of the proof, the Commissioner took the income of the deceased to the minimum wages @ ₹4,000/- per month as prevalent in January 2008 and accordingly calculated the compensation by applying the relevant factor of age with the 50% of the wages.

The only contention of learned counsel for the appellant is that minimum wages should be taken to be ₹5,000/- per month.

In January 2008, the correct minimum wages have been considered by the Commissioner. In the absence of the evidence, the income taken to be ₹4,000/- per month is correct.

Thus, there are no merits in the present appeal and the same is accordingly dismissed.

May 25, 2015
sarita

(KULDIP SINGH)
JUDGE