

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1963 of 1995

Date of Decision.18.02.2016

Archna Chopra and others

.....Petitioner

Vs.

Union of India and another

.....Respondents

Present: Mr. Neeraj Khanna, Advocate
for the petitioner.

Mr. Deepak Malhotra, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. Mr. Deepak Malhotra, Advocate appearing for Union of India states that the appropriate contesting party shall be only the Chandigarh Administration. I reject this contention and proceed to dispose of the case, for the case title itself describes the Union of India as party represented through the Home Administration, Chandigarh. I take the representation to be adequate for disposal.

2. The accident took place on 25.09.1991. The deceased person was 30 years of age and was an Assistant in Food Corporation of India earning ₹3333.50 at the time of his death. The claimants were widow, two minor children and mother.

3. The scales of compensation are reasonably certain in the light of decisions of the Supreme Court in **Sarla Verma Vs. DTC 2009**

(6) SCC 121 and Rajesh v. Rajbir Singh, (2013) 9 SCC 54. I will proceed to, therefore, tabulate the claims by making reference to the prospect of increase at 50% and make also provision for loss of consortium to the wife at ₹1 lac and scale down relatively the claim for loss of love and affection to children and parent at ₹50,000/- each on the ground that the provision for interest for all these years will itself bring the amount of compensation close to what is being awarded through the dispensation in Rajesh Vs. Rajbir (supra). The tabulation is as under:-

FATAL ACCIDENT 25.09.1991			
Age	30 years		
Occupation	Assistant in FCI		
Claimants	Widow, 2 minor children and mother		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income		3333.50
2	Add, % of increase 30% / 50%		5000.25
3	Less, Deduction	2000	3750.18
4	Multiplicand (annualized by multiplying 12)		45,002.25
5	Multiplier	16	17
6	Loss of dependence		7,65,038.25
7	Medical Expenses & Transportation		
8	Loss of Consortium		1,00,000
9	Loss of love and affection		1,50,000
10	Loss to estate		5000
11	Funeral expenses		5000
	Total	3,84,000	10,25,038.25

4. The total compensation payable shall be ₹10,25,038.25 which is rounded off as ₹10,25,050/-.

The amount shall be distributed between widow, two children and the mother in the ratio of 2:2:2:1. The amount in excess over what has

already been awarded by the Tribunal shall also attract interest @7.5% from the date of petition til the date of payment. The award is modified and the appeal is allowed making the Union responsible for the claim.

(K. KANNAN)
JUDGE

February 18, 2016
Pankaj*