

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.249 of 2014

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Satish Kumar Verma, S/o Late Krishna Prasad, resident of Mohalla - Rikabganj,
P.S. - Tekari, District – Gaya, at present Referral Hospital Sherghati, Gaya.

.... Appellant/s

Versus

1. The Oriental Insurance Company Limited, through its Divisional Manager,
RaiKashinath More, Gaya.
2. Mr. Dineshwar Sharma, S/O Sri Andrika Sharma, Resident of West Jagjeewan
Road, Bisar Talab, P.S. - Civil Lines, District - Gaya.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Ravindra Kumar Sinha, Advocate

For the Respondent No.1 : Mr. Barun Kr. Choudhary, Advocate

Mrs. Kshem Sharma, Advocate

Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-07-2017

The delay in filing of this Appeal is condoned.

Interlocutory Application No.5638 of 2014 stands allowed
and disposed of.

The applicant Satish Kumar Verma, who was working in a Government Hospital as an Ambulance Driver, sustained certain injuries on his right leg and eye on account of accident that took place on 09.09.2008 and the Medical Board assessed his disability as 30% due to damage of eye and 46% on account of fracture on the right leg. Based on the facts that he was an Ambulance Driver in a Government Hospital, he continued to work even after the accident without any loss of salary and income, a compensation of Rs.3,15,000/- has been awarded under the following heads:

(i) Pain and sufferings

Rs.50, 000/



- (ii) Loss of income during treatment Rs. 20, 000/
- (iii) Medicine Expenses incurred in treatment Rs.30, 000/
- (iv) Loss of amenities of life Rs.1,50,000/-
- (v) Conveyance Rs.20, 000/-
- (vi) Food and other expenses Rs. 20, 000/-
- (vii) For future medical expenses Rs.25, 000/

Having heard learned counsel for the parties and going through the materials available on record, *prima facie*, there seems to be no material irregularity in the order passed by the Tribunal in the matter of assessing compensation primarily on account of the fact that the claimant himself is a Government employee continued to work and earned his wages from his service rendered to the Government. That being so, in assessment of his compensation with regard to loss of income and disability, there is no error committed. However, looking to the disability on account of pain and sufferings, the applicant may be entitled to a sum of Rs.75,000/- and for loss of amenities of life, a sum of Rs.2,00,000/-. Accordingly, the compensation is enhanced by a further sum of Rs.75,000/-.

With the aforesaid, the appeal is allowed in part.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2017
Transmission Date	

