

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.824 of 2004

JUDGMENT:

Aggrieved by the grant of compensation of Rs.66,084/- as against a claim of Rs.2,50,000/- by the Commissioner for Workmen's Compensation-cum-Assistant Commissioner of Labour-I, Guntur, vide order, dated 24.11.2003, passed in W.C.No.98/2002, the applicant preferred this appeal under Section 30 of the Workmens' Compensation Act, 1923, seeking enhancement of compensation.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the appellant-applicant would contend that the learned Assistant Commissioner of Labour granted a meagre compensation of Rs.66,084/- as against a claim of Rs.2,50,000/- by taking the disability suffered by the appellant-applicant at 25%. The learned Assistant Commissioner of Labour ought to have taken the disability suffered by the appellant-applicant at 100% and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that on an earlier occasion, the 2nd respondent-Insurance Company preferred C.M.A.No.391 of 2004 before this Court challenging the order impugned herein, and this Court, vide order, dated 13.08.2012, held that the learned Assistant Commissioner of

Labour was justified in taking the percentage of disability suffered by the appellant-claimant at 25% and declined to interfere with the impugned order.

5. As seen from the impugned order, though there is a certificate to show that the appellant-applicant suffered 50% disability, the learned Assistant Commissioner of Labour had assessed the disability suffered by the appellant-applicant as 25%; and, by taking into consideration the wages prevailing as on the date of accident, i.e., 28.05.2002, awarded a compensation of Rs.66,084/-. In view of the fact and circumstances of the case, there is no infirmity in the order under challenge. There are no circumstances to enhance the compensation. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

18th July, 2018
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