

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Miscellaneous Appeal No.757 of 2003

JUDGMENT:

When this matter was called on 21.07.2017, there was no representation for both sides and hence, the matter was adjourned. When the matter was again called on 05.06.2018, there was no representation for the appellant-applicant and hence, the matter was directed to be listed today under the caption "For Orders". Today also, there is no representation for both sides. This appeal is of the year 2003. Ample opportunity was given to both the parties to put-forth their submissions. Since they did not turn up, this appeal can be disposed of on merits without waiting for their respective counsel to advance arguments.

2. Aggrieved by the grant of compensation of Rs.1,33,056/- as against a claim of Rs.2,00,000/- by the Commissioner for Workmens' Compensation and Assistant Commissioner of Labour, Nizamabad, vide order, dated 22.06.2002, passed in W.C.No.132/2001 NF, the applicant preferred this appeal under Section 30 of the Workmens' Compensation Act, 1923, seeking enhancement of compensation.

3. In the grounds of appeal, the appellant-applicant contended that he suffered 100% functional disability in the motor accident that occurred on 02.11.1999. The Learned Assistant Commissioner of Labour had not granted compensation in accordance with the rulings of the Apex Court and failed to

appreciate the evidence in proper perspective and ultimately prayed to grant compensation as prayed for with interest at the rate of 12% per annum from the date of petition till date of deposit.

4. As per the evidence on record, the learned Assistant Commissioner of Labour, having gone through the medical record and oral evidence, had taken the monthly wage of the appellant-applicant as Rs.1,800/-, age as 20 years, disability as 55% and by applying the relevant age factor 224, granted a total compensation of Rs.1,33,056/-. The assessment and calculation of the compensation by the learned Assistant Commissioner of Labour is based on the regulations governing at that time and as such, there is no infirmity in the same. However, the learned Assistant Commissioner of Labour did not award interest on the amount granted as compensation. As seen from the record, the appellant-applicant was employed under respondent No.1 (owner of the Jeep bearing registration No.AP-25-T-20) as cleaner. Hence, this Court deems it appropriate to award interest at the rate of 12% on the amount granted as compensation (Rs.1,33,056/-) from the date of application till date of deposit.

5. Accordingly, this appeal is allowed in part modifying the order, dated 22.06.2002, passed by the Commissioner for Workmens' Compensation and Assistant Commissioner of Labour, Nizamabad, only to the extent of awarding interest at the rate of 12% per annum on the amount granted as

compensation (Rs.1,33,056/-) from the date of application till date of deposit. The other terms of the Order under challenge remain unaltered. On deposit of the compensation, the appellant-applicant is permitted to withdraw the entire amount with interest.

Miscellaneous Petitions pending, if any, shall stand closed.

No order as to costs.

Dr. SHAMEEM AKTHER, J

12th June, 2018
Bvv

