

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL MISCELLANEOUS APPEAL No.1920 OF 2004

JUDGMENT:

This Civil Miscellaneous Appeal is filed under Section 30 of the Workmen's Compensation Act, 1923 (for short, 'the Act') aggrieved by the grant of compensation of Rs.1,86,311/-, vide the order dated 30.04.2004 passed in W.C.Case No.49 of 2002 (F) on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour at Nalgonda, as against the claim of Rs.3,06,180/- made by the appellants against respondent Nos.1 and 2 herein, who are the owner and insurer of the ambassador car bearing registration No.AP 9F 8289, for the death of Shaik Kaleshvali @ Khadervali, who was the driver of the ambassador car, in an accident occurred on 08.03.2002 in the course of employment under respondent No.1.

2. Heard the learned counsel for the appellants and the learned Standing Counsel for the 2nd respondent-insurer, apart from perusing the material on record. Though served with notice, none appeared for the 1st respondent-owner of the offending vehicle.

3. Learned counsel for the appellants would contend that the Assistant Commissioner for Workmen's Compensation had taken monthly wages of the deceased-Shaik Kaleshvali as Rs.2,434/-; in fact, the deceased was earning Rs.4,000/- per month, which is borne by the record; the learned Assistant Commissioner for Workmen's Compensation did not grant any interest on the compensation amount; and ultimately, prayed to enhance the compensation.

4. On the other hand, learned counsel for the 2nd respondent-insurer would contend that the learned Assistant Commissioner for Workmen's Compensation had taken all the factors into consideration and rightly awarded Rs.1,86,311/- as compensation; there are no circumstances to interfere with the same; and ultimately, prayed to dismiss the appeal.

5. There is no dispute that the deceased-Shaik Kaleshavali @ Khadervali was workman under respondent No.1 and died in the course of employment as driver of the ambassador car bearing registration No.AP 9F 8289. The only dispute is with regard to taking of the wages of the deceased on the date of his death. Learned Assistant Commissioner for Workmen's Compensation had relied on G.O.Ms.No.30, Labour, Employment, Training and Factories (LAB-II) dated 27.07.2000, took total wage component at Rs.2,434/- per month, applied relevant factor '153.09', assessed compensation of Rs.1,86,310-53 ps, rounded it off to Rs.1,86,311/- and awarded the same in favour of the appellants-dependents of the deceased. The learned Assistant Commissioner for Workmen's Compensation did not grant any interest on the compensation awarded. The appellants are entitled to interest at the rate of 12% per annum on the compensation amount.

6. In the result, the impugned order dated 30.04.2004 passed in W.C.Case No.49 of 2002 (F) on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour at Nalgonda, is modified and the appellants are entitled to interest at 12% per annum on the amount of Rs.1,86,311/- granted in W.C.Case No.49 of 2002(F) from the date of application till the date of deposit.

7. With the above modification, this appeal is partly allowed. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

Date: 26.06.2018
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Dr. SHAMEEM AKTHER, J