

**THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

**CIVIL MISCELLANEOUS APPEAL No.487 OF 2009**

**JUDGMENT:**

Challenge is to the order, dated 04.02.2005, passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Ananthapur (for short 'Commissioner') in W.C.No.22 of 2003 filed by the applicant.

The appellant herein is the applicant in the aforesaid W.C, while respondent Nos.1 and 2, who are owner/employer and insurer of van bearing No. AP 02 T 2330, are opposite party Nos.1 and 2 respectively.

For the sake of convenience, the parties hereinafter referred to as they were arrayed in the aforesaid W.C.

Heard Sri S.D. Gowd, learned counsel for the appellant - applicant, and Sri Ravi Shankar Jandhyala, learned counsel for respondent No.2. Despite service of notice on respondent No.1, none appears on his behalf.

The only submission made by learned counsel for the appellant – applicant is that despite the fact that the applicant asserted that he was drawing Rs.1500/- per month and respondent No.1 did not dispute the same, the Commissioner went wrong in taking the monthly wages of the applicant at Rs.1,000/- and, therefore, requests to modify the order passed by the Commissioner.

Learned standing counsel for respondent No.2 would submit that the order under challenge does not suffer from any infirmity for the

reason that the Commissioner has clearly observed that as per G.O.Ms.No.71, dated 16.04.1991, the minimum wages fixed to a light vehicle driver was Rs.1191.75 (Rs.880/- as Basic wage and Rs.311-75 ps. as VDA), but the same was restricted to Rs.1,000/- upto 14.09.1995, and in the present case, since the accident did occur in the year 1993, the applicant is not entitled to any enhancement.

Perused the order under challenge. In fact, in the findings recorded at page no.7, the Commissioner has clearly mentioned that the applicant's claim that he was earning Rs.1500/- per month towards salary was disputed by opposite party No.2 and, therefore, as per G.O.Ms.No.71, dated 16.04.1991, whereby minimum wages of the light vehicle driver was, though, fixed at Rs.1191.75 ps, but the same was restricted to Rs.1,000/- upto 14.09.1995, and the Commissioner, therefore, took the monthly wage of the applicant at Rs.1,000/- per month. Hence, there is absolutely no legal infirmity in the order under challenge warranting interference by this Court.

Hence, the Civil Miscellaneous Appeal is dismissed confirming the order under challenge.

Miscellaneous petitions if any pending in the present appeal stand closed. No order as to costs.

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**JUSTICE A.SHANKAR NARAYANA**

Dt: 14.06.2018

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