

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

C.M.A.NO.785 of 2007

JUDGMENT

This appeal is filed by the United India Insurance Company against the order dated 15.2.2007 passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Kurnool, in W.C. Case No.24 of 2003.

The application is filed by Talari Boya Linganna and Talari Boya Ramakka who are parents of late T.B.Shekar. The said Shekar was working as cleaner of the lorry belonging to Respondent No.1 which was insured with Respondent No.2. The lorry in which the cleaner was travelling met with an accident on 31.3.2003 and Sri T.B.Shekar died in the said accident. Claiming compensation for the accident arising out of and in the course of employment, the application was filed seeking compensation of Rs.4,00,000/-.

Respondent No.1 was set *ex parte* and Respondent No.2 contested the case.

1st applicant filed affidavit and was examined as A.W.1 and Ex.A1 to A6 were marked. The Second witness who was examined as AW.2 was the driver of the lorry, who deposed about the accident. For respondent no.2, no oral evidence was adduced. Ex.B.1, copy of the Insurance Policy was marked.

After considering the facts, evidence etc., the Commissioner directed payment of compensation of Rs.2,27,624/- along with

interest at 6% p.a. It is this order that is now impugned in the present appeal.

Heard Sri N.Mohan Krishna, counsel for the appellant and Sri Rathangapani Reddy, counsel for respondents.

Learned counsel for the appellant essentially pointed out that award of interest from the date of the accident is wrong and is contrary to the settled legal principles. He also urged that the lower Court was wrong in considering the wages as per the G.O. and that there is no direct proof of the same.

In reply thereto, learned counsel for the respondents argued that the order is a reasoned order and that the adoption of G.O. under the Minimum Wages Act is a method of deciding wages payable has been approved by series of judgments. Learned counsel for the respondents also submits that as per the settled law on the subject, interest is now payable from the date of the accident itself and, therefore, he supports the judgment in its entirety. Both the counsels argued on these points only and there was no issue raised about the rest of the order.

This Court is also of the opinion that fixing the wages based on minimum wages payable is the method that has been adopted by this Court in number of cases including the case reported in ***New India Assurance Company Limited v. Lodya Shankar***¹. As far as “date” from which interest is payable is concerned, in the leading case of ***Pratap Narain Singh Deo v. A.Srinivas Sabata and another***², the Hon’ble Supreme Court held that the employer is liable to pay compensation from the date of the accident itself.

¹ 2004(3) ALD 400

² AIR 1996 SC 222

Subsequently in ***Ved Prakash Garg v. Premi Devi and others***³, the Hon'ble Supreme Court held that interest is payable from the date of the accident till the date of payment. Subsequent judgments of the Hon'ble Supreme Court and of this High Court are also are to the same effect. The same are not being listed or repeated.

In view of all the above, this Court is of the opinion that there are no valid and tenable grounds made out in this appeal. Hence the appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, in this appeal shall also stand closed.



D.V.S.S.SOMAYAJULU,J

Date: 07/02/2018

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³ AIR 1997 SC 3854