

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL MISCELLANEOUS APPEAL No.678 OF 2008

ORDER:

The present Civil Miscellaneous Appeal is preferred questioning the Award, dated 14.2.2008, in W.C. No.135 of 2007 passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-I, Hyderabad, whereby and whereunder the applicant was awarded a sum of Rs.4,87,470/- on two main grounds. First is the certificate issued by Medical Board cannot be looked into and cannot be based for considering the nature of injury and disability; second, interest at 12% p.a. granted ought not to have been granted and it ought to have been 6% p.a.

2. Heard Sri Kota Subba Rao, learned Standing Counsel for the Appellant-Insurance Company.

3. Learned counsel for the appellant, though, contended that the certificate is termed as 'handicapped certificate' and there is an endorsement it cannot be used for any purpose other than the purpose mentioned therein and, therefore, the Commissioner ought not to have based to ascertain the nature of disability and computing loss of earning capacity basing on the disability percentage shown therein, but, however, he is fair enough to refer to the decision of Hon'ble Apex Court in **Raj Kumar v. Ajay Kumar**¹ where the Hon'ble Supreme Court has told that a certificate issued by the Medical Board

¹ 2011 (1) ACJ 1

can be based for determining the compensation. So far as second ground is concerned, it is now well settled that 12% interest is provided that too from the date of accident but not from the date of petition or any subsequent date.

5. Therefore there is no merit in the present Civil Miscellaneous Appeal, and, accordingly, the same is dismissed. The parties are directed to bear their own costs.

As a sequel thereto, miscellaneous petitions if any pending in the Civil Miscellaneous Appeal shall stand closed.

Dt. 15.06.2018
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A.SHANKAR NARAYANA,J

