

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.2006 OF 2003

JUDGMENT:

This appeal is filed by the appellant-Insurance Company under Section 30 of the Workmen's Compensation Act, 1923 aggrieved by the order, dated 23.09.2002, in W.C.No.5 of 1998, passed by the Assistant Commissioner of Labour, Anantapur.

2. Heard the learned standing counsel for the appellant. No representation for the respondents. In spite of opportunities given, there is no representation on behalf of the respondents. It is an old C.M.A. Therefore, this appeal can be disposed of on merits.

3. Learned counsel for the appellant-Insurer would submit that the Assistant Commissioner of Labour in the impugned order awarded compensation of Rs.64,856/-, which is excessive. There is no disability and ultimately, prayed to reduce the compensation amount.

4. As seen from the material placed on record, the respondent-E.Sekhar, lorry driver employed by respondent No.2, met with an accident on 24.03.1996 around 1.30 P.M., while driving a lorry bearing No.AP-02/V.2565 while discharging his duties. There is medical evidence to show that he suffered one fracture to his right leg. It is contended on behalf of the Insurance Company that it is a simple one and there is no evidence that 30% disability was suffered by the respondent-driver. As seen from the wound certificate and oral evidence, the respondent-driver suffered fracture to his right leg. Such injury would prevent him considerably from driving the vehicle in future. The

Assistant Commissioner of Labour assessed the loss of earnings at 30% and also held in his order that the driver of the vehicle was covered under Public Motor Transport Schedule Employment and Minimum Wages Act. His wages were taken at Rs.2,000/- per month for the purpose of calculation and awarded compensation. Under these circumstances, grant of compensation of Rs.64,856/- is not excessive and the findings are based on proper appreciation of both oral and documentary evidence on record. There are no circumstances to vary the same.

5. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order, dated 23.09.2002, in W.C.No.5 of 1998, passed by the Assistant Commissioner of Labour, Anantapur. No order as to costs. Interim stay granted by this Court shall stand vacated. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DATED: 04-06-2018
Hsd

DR.SHAMEEM AKTHER, J