

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.2108 of 2004

JUDGMENT:

Dissatisfied with the quantum of compensation of Rs.91,303/- awarded by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II Circle, Guntur, *vide* order, dated 11.02.2004, passed in W.C.Case No.13 of 2003, as against the total claim of Rs.2,00,000/-, the claimant preferred this appeal under Section 30 of the Workmen's Compensation Act, 1923 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for the appellant-applicant, learned counsel for the 2nd respondent-Insurance Company and perused the record.

3. Learned counsel for the appellant-applicant would contend that the Assistant Commissioner of Labour, had taken wages of the appellant as Rs.2,434/-, it ought to have taken Rs.2,587/-. Further, the Assistant Commissioner of Labour had granted interest @ 8% per annum only. The applicant had suffered permanent disability. So, he is entitled for 100% loss of earnings. The Compensation granted by the learned Assistant Commissioner is meagre and ultimately prayed to enhance the same as claimed.

4. On the other hand, learned counsel for the respondent would contend that the learned Assistant Commissioner had taken his monthly wages on the date of

accident and awarded interest @ 8% per annum after computing the compensation payable to the appellant-applicant. There is no infirmity in the impugned order and prayed to dismiss the appeal.

5. There is no dispute with regard to the appellant-applicant sustaining injuries in an accident that occurred on 10.10.2001 while he was working under 1st respondent's van bearing No A.P. 7U 4950. The only dispute is with regard to quantum of compensation and interest awarded thereon. While dealing with the subject matter of the appeal, learned Assistant Commissioner had taken monthly wages of appellant as Rs.2,434/- basing on G.O.Ms.No.30 dated 27.07.2000. The age of the appellant was 30 years at the relevant point of time. Hence, the learned Assistant Commissioner taken the corresponding factor as '207.98', assessed the compensation payable at Rs.91,303/- and awarded interest @ 8% per annum thereon. Since the suitable factor is applied and loss of earnings for 30% disability was assessed correctly, the same cannot be faulted. Hence, this Court is not inclined to interfere with the impugned order. However, the interest awarded by the Assistant Commissioner of Labour at 8% per annum is enhanced to 12% per annum from the date of accident till the date of deposit.

6. Accordingly, this appeal is allowed in part modifying the order, dated 11.02.2004, passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II Circle, Guntur in W.C.Case No.13 of 2003, only to the

extent of awarding interest @ 12% per annum on the compensation from the date of accident till the date of deposit. The other terms of the order under challenge remain unaltered. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount with interest.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

29th June, 2018
ssp

