

FAO NO. 1461 of 1992 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO NO. 1461 of 1992 (O&M)

Date of Decision : 16.2.2018

SURAJ MUKHI

....APPELLANT

VS

SH. MALUK SINGH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vishnu Bhagwan Aggarwal, Advocate
for the appellant.

None for the respondent.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the award of the Commissioner under the Workmen Compensation Act dated 1.4.1992 awarding a sum of Rs. 34281/- as compensation alongwith 20% penalty and 6% simple interest from 3.7.1988 to 1.4.1992.

Brief facts of the case are that the appellant was employed with the respondent as a labourer when his hand got caught in a fodder machine. It is stated that he lost four fingers of his left hand. Counsel for the appellant has argued that even though the doctor had given a certificate of partial disability of 50% yet this was a case where it should have been granted on the basis of total disability since the appellant could not do the work which he was earlier doing. He has relied upon the decision of Apex Court in the matter of “**Pratap Narain Singh Deo**

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vs. Srinivas Sabata (1976) 1 SCC 289.” There is no dispute with this proposition of law but it cannot be said that with the loss of four fingers an unskilled labourer is completely disabled.

In the circumstances, no fault can be found with the quantification of the compensation @ 50%.

Second argument of learned counsel is that there was no occasion for the Commissioner to have limited penalty to 20%. I find weight in this argument. No reason has been given by the Commissioner why the penalty was limited to 20%. I consequently increase the penalty to 50%. As regards the rate of interest also I find that the award of rate of interest @ 6% is inadequate and increase the rate of interest to @ 8%.

The appeal stands allowed in the above terms.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

16.2.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No