

FAO No.479 of 1993 (O&M)

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

345

**FAO No.479 of 1993 (O&M)
Date of Decision : 12.2.2018**

SMT. PUNNI DEVI AND OTHERS

....APPELLANTS

VS

STATE OF HARYAN AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vikram Singh Narwal, Advocate
for the appellants.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J.(Oral)

This is an appeal against the award of the Commissioner for wrong calculation made by him.

The argument of learned counsel for the appellants is that learned Commissioner wrongly held that the age of the deceased was 34 years and that the relevant factor for this age under Section IV of the Workman's Compensation Act read with Schedule IV is 199.40 but actually Column (i) Schedule IV lays down that the age as on the last birthday of the workmen immediately preceding the date on which the compensation fell due is to be considered and if the matter is viewed from this angle the age of the deceased was 33 years the relevant factor

FAO No.479 of 1993 (O&M)

2

would work out to 201.66 and not 199.40. Learned DAG is not in a position to deny this argument. Learned counsel for the appellants further argued that a lump sum of Rs. 20,000/- was awarded for penalty and interest. In my considered opinion, the amount of Rs. 20,000/- has to be quantified as penalty. Interest of 6% be granted to the appellant on the amount from one month after date of death till realization.

Consequently, the appeal is allowed in above terms.

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

12.2.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No