

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

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**FAO No.1540 of 1996 (O&M)
Date of Decision : 23.03.2018**

Smt. Gurbachan Kaur and another

..... Appellants

Versus

The General Manager, Haryana Roadways & anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Rajinder Sharma, Advocate
for the appellants.

Dr. Sushil Gautam, D.A.G., Haryana.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order dated 05.12.1995 passed by the Commissioner, Ambala under the Workman's Compensation Act, 1923 (for short the 'Act') allowing compensation for the death of Lal Singh. Since a very limited ground has been raised by the learned counsel for the appellants further detailed reference to the facts is not necessary.

The contention of the learned counsel for the appellants is that the Commissioner has ordered a lump-sum payment of Rs.20,000/- on account of penalty and interest and this is not permissible and a separate payments had to be made on account of penalty and interest.

Learned Deputy Advocate General has very fairly accepted that the concept of lump-sum payment is not envisaged in the Act and in the present case penalty and interest has to be granted.

In the circumstances, the order is modified and it is directed that the appellants would be entitled to 50% penalty of the awarded amount to be paid by respondent No.1 and 6% p.a. interest from one month after the date of accident till the date of payment to be paid by the Insurance Company-respondent No.2.

Appeal stands allowed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

23.03.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No