

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

417

FAO No. 1883 of 1996
Date of decision: 19.04.2018

Balwinder Kaur and Others

...Appellants

Vs.

Principal Chief Forest Conservator, Haryana and Others

...Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Himanshu Arora, Advocate
for the appellants.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the award dated 08.11.1995 passed by the Commissioner, Kurukshetra under the Workmen's Compensation Act, 1923 by the claimants.

The solitary ground is that the Commissioner did not calculate the benefits correctly. As per learned counsel even accepting the figures taken by the Commissioner the compensation would work out to ₹ 2,21,004/- as against ₹ 73,668/-.

Learned Deputy Advocate General has fairly accepted that there is this error in the calculation. In the circumstances it has to be held that the appellants were entitled to ₹ 2,21,004/- and not ₹ 73,668/-.

The second contention learned counsel is that the Commissioner erred in granting conditional interest whereas interest should have been unconditionally granted from a date one month after the date of death.

The Deputy Advocate General has accepted this contention. Consequently, it is further directed that the appellants would be entitled to interest at the rate of 6% on the compensation awarded w.e.f. 12.11.1994 till the date/s of the payments.

It is further mentioned that in case State-respondent does not deposit the entire up to date amount with the Commissioner under the Employees Compensation Act of the City Kurukshetra within two months, it would be liable to pay interest at the rate of 10% per annum

Since the main case has been decided, pending civil miscellaneous, if any, shall be disposed of.

April 19, 2018

Poonam (II)

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No