

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

425

FAO No.2116 of 1996 (O&M)

Date of Decision : 26.03.2018

Kailash Chander Maggo

..... Appellant

Versus

The State Transport Commissioner, Haryana
and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Shifali Goyal, Advocate
for the appellant.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This appeal has been filed for enhancement of compensation.

The appellant was working as a Clerk with the Haryana Roadways when on the fateful day he met with an accident for which he claimed compensation which was allowed. Since a very limited point has been raised further detailed reference to the facts is not necessary.

As per the learned counsel for the appellant, the Commissioner erred in giving conditional award for penalty and interest.

On the other hand the learned Deputy Advocate General has argued that this is a case where if the appeal had been filed by the State it would have been allowed because it was specifically proved that no monetary loss was occasioned to the appellant and he got his due wages. He was not removed from service and rather for the period that he remained on medical leave he was paid salary.

I find considerable weight in the argument of learned Deputy Advocate General. Once nothing was payable by way of compensation there is no occasion for the appellant to claim penalty or interest.

Appeal stands dismissed.

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

26.03.2018

Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No