

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

458

FAO No.128 of 1997 (O&M)
Date of Decision : 23.04.2018

Sital Singh and another

..... Appellants

Versus

Shri Harjit Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arun Jindal, Advocate and
Mr. Rishav Jain, Advocate
for the appellants.

None for respondent No.1.

Mr. D.P. Gupta, Advocate
for the respondent No.2.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order dated 28.08.1996 passed by the Commissioner, Fatehgarh Sahib under the Workmen's Compensation Act allowing the claim petition and awarding compensation of Rs.67,200/-.

At the very outset, counsel for the appellants state that they anticipate that the respondent No.2 will take objection to the maintainability of the appeal and without conceding that the appeal is not maintainable and only to get a quicker disposal of the case he has prayed that the present appeal be treated as revision and the appellants be treated as revision petitioners under Article 227 of the Constitution of India. To support this prayer, he has relied upon the judgment of the Supreme Court in the matter

of *Reliable Water Supply Service of India (P) Ltd. vs. Union of India and others, 1971 AIR (SC) 2083.*

I find this to be indeed so. Consequently, the prayer is allowed.

Since a very limited point has been raised further detailed reference to the facts may not be necessary. It is the contention of the counsel for the petitioners that despite the fact that the compensation was paid to the claimants-petitioners after a long lapse of time, the Commissioner not only did not grant any interest but also gave no reasons why interests were not granted. As per him, even though at the time when the present accident took place it was not mandatory for the Commissioner to award interest and it was a discretionary relief yet in the present case no reason has been given by the Commissioner why discretion in this beneficial legislation should not be exercised in favour of the claimants.

Counsel for the respondent No.2 is not in a position to contradict these arguments.

In the circumstances, I deem it appropriate to allow the claim. Consequently, I direct that the petitioners shall be entitled to interest @ 6% per annum on the awarded amount from the date one month after the accident till the date of payment.

Appeal stands allowed.

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

April 23, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No