

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.903 of 2015 (O&M)
Date of decision: September 13, 2018

Jaipal ... Appellant

Versus

Ram Niwas and another ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Nipun Verma, Advocate for the appellant.

Rajan Gupta, J.

Present appeal has been preferred by the appellant, dissatisfied with the compensation granted by the Commissioner, Employee's Compensation Act, Circle, Bhiwani.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation and interest etc. to the appellant and the wages have wrongly been assessed.

I have heard learned counsel for the appellant and given careful thought to the facts of the case.

Appellant was working with respondent No.1 as conductor on his TATA-407, bearing No.HR-21/GA-0206 and one Ved Parkash was driver on the same. On 25.5.2006, said vehicle met with an accident, in which appellant suffered multiple injuries on his hands, legs etc. He was taken to General Hospital, Rewari and DDR No.34 dated 26.5.2006 was also registered in Police Station Rampura, District Rewari. He

remained admitted in various hospitals. A claim application under the Employee's Compensation Act was filed by the claimant/appellant. In support of his case, claimant/appellant Jaipal appeared as PW-1 and also tendered in evidence certain documents i.e. DDR, MLR, disability certificate, medical bills etc. On appraisal of evidence, the Commissioner under the Act came to the conclusion that deceased was working with respondent No.1, who suffered injuries during the course of his employment. As regards quantum of compensation, the authority observed that appellant was 30 years of age at the time of accident. It assessed wages of the appellant as Rs.3000/- per month and that the appellant suffered disability to the extent of 10%. Taking 60% of admissible wages, the authority assessed Rs.37,436/- as compensation. After adding Rs.17,969/- on account of interest, a total compensation of Rs.55,405/- was awarded to the appellant and liability was fastened upon the insurance company.

There appears to be no apparent error in appraisal of evidence by the authority. In my considered view, there is no infirmity with the findings arrived at by the Authority. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

September 13, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No