IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 119 FAO-3968-2018 (O&M)

Date of decision: 16.07.2018

New India Assurance Co. Ltd. ..... Appellant

VERSUS

Rajni and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ashwani Talwar, Advocate, for the appellant.

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DEEPAK SIBAL, J. (ORAL)

Through the present appeal, the appellant-Insurance Company challenges the award dated 04.04.2018, passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short, the Tribunal), through which respondents No. 1 and 2 have been granted compensation for the death of their son namely Kunal Kapoor in an accident which was caused by the offending vehicle which was being driven in a rash and negligent manner.

Mr. Ashwani Talwar, appearing for the appellant-Insurance Company submits that the Tribunal erred in assessing the income of the deceased by including in the gross salary of the deceased certain allowances which could not have been considered as part of his salary.

No merit is found in the afore submissions.

It is not disputed that the deceased was working as an Assistant Manager in HDFC Bank, Phase-II, Mohali. The salary of the deceased being ₹23,365/- per month is also not disputed by learned counsel for the appellant. However, it is submitted that the conveyance allowance @ ₹1600/- and food allowance @ ₹910/- could not have been included in gross salary of the deceased for the purpose of assessment of his income for onward calculation of the awarded compensation as in the statement of PW3 Gurjant Singh, Assistant Manager, HDFC Bank, these allowances were stated to be not part of the salary of the deceased.

I have perused the statement of PW-3 Gurjant Singh where he has categorically stated that conveyance allowance is paid to employees of the bank for doing outdoor jobs of the bank; it is part of the employee's salary and that the same is paid on regular basis. Thus, this allowance is to be considered as part of salary.

So far as food allowance is concerned, regarding that too the witness has categorically submitted that the same is being paid by the bank to its employees for entertaining the customers of the bank. If that is so and it is being paid on regular basis, such allowance also has to be considered as part of gross salary.

No other point was raised.

In view of the above, the present appeal is dismissed.

16.07.2018 [DEEPAK SIBAL]
shamsher JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No