

**RA-CR-73-CII-2017 in
FAO-5895-2013 (O&M)**

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

**RA-CR-73-CII-2017 in
FAO-5895-2013 (O&M)
Date of Order:30.10.2018**

Chetna Kaushal and others

..Appellants

Versus

Harvinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Prashar, Advocate,
for the appellants.

Mr. R.K.Bashamboo, Advocate,
for the Insurance Company.

Mr. Akashdeep Singh, Advocate,
for respondents no.1 and 4.

Mr. Mohit Sadana, Advocate,
for respondent no.5.

ANIL KSHETARPAL, J(Oral)

By this order, review application filed by the claimants shall
stands disposed of.

Limited grievance of the review-applicants in the present
review application is that, although, the Hon'ble Single Bench has noticed
that there has been revision of pay with effect from 01.01.2006, however,
the court did not consider the allowances which were integral part of the
total salary. He has drawn attention of the court to the grounds of appeal

where total salary has been specifically noticed as Rs.21606/-. In the review application claimants have given the break up which includes Rs.720/- as travelling allowance. Excluding travelling allowance, which is granted in lieu of the transportation expenses, the salary comes to Rs.20886/-.

Learned counsel for the Insurance company has drawn attention of the court to the fact that Rural Allowance @ 6% and Rent Free Allowance @ 5% is also to be excluded. However, learned counsel for the review-applicants has submitted that the deceased was posted as Forester and his posting can only be in the rural area i.e. in the Forest. He further submitted that Rent Free Allowance @ 5% would of course be not payable but in that case, the House Rent Allowance, which has been notified as 10% in the present case, would increase and therefore there is no substance in the submission of learned counsel for the Insurance Company.

Keeping in view the fact that the deceased was posted as Forester, Rural Allowance shall be continuously payable. As regards Rent Free Allowance, since the posting of the deceased was to be in Forest, therefore, the same would also be payable. Even, if it is assumed that the Forester is posted in City, than the House Rent Allowance would increase substantially. Hence, the judgment passed by the Hon'ble Single Judge is reviewed to its limited extent. The calculations made after taking the income to be Rs.20886/- are re-worked as under:-

<i>Heads</i>	<i>Compensation awarded by MACT</i>	<i>Compensation awarded by High Court</i>	<i>Compensation awarded by High Court in Review application</i>
Income assessed	Rs.15,755/-	Rs.17,261/-	Rs.20,866/-

<i>Heads</i>	<i>Compensation awarded by MACT</i>	<i>Compensation awarded by High Court</i>	<i>Compensation awarded by High Court in Review application</i>
Add Future Prospects 50%	Rs.7877/-	Rs.8630.5	Rs.10,443/-
Total Income per month	Rs,23,632/-	Rs.25,891.5	Rs.31,329/-
(-) 1/4 th Deduction	Rs.5908/-	Rs.6472.875	Rs.7832.25
Annual dependency	Rs.17724x12 =2,12,688/-	Rs.19418.625x12 =2,33,023.5	Rs.23496.25x12 =2,81,955
Multiplier	Rs.2,12,688x15 =31,90,320/-	Rs.2,33,023.5x15 =34,95,352.5	Rs.2,81,955x15 =42,29,325/-
+ loss of estate, loss of consortium, funeral expenses, transportation charges	Rs.20,000/-		
Conventional Heads			
-Loss of estate }	NIL	Rs.2,75,000/-	Rs.2,75,000/-
-Funeral Expenses }			
-Consortium }			
Total compensation	Rs.32,10,320/-	Rs.37,70,352.5 Rs.37,70,353 (rounded off)	Rs.45,04,325/-
Already awarded by High Court			-Rs.37,70,353/-
Enhanced compensation in review			Rs.7,33,972/-

In view thereof, the Review application is disposed of accordingly.

October 30, 2018
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(ANIL KSHETARPAL)
JUDGE

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