

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

FAO No.3828 of 2004
Date of Decision: 04.02.2019.

Charanjit Singh.	Versus	...Appellant
Balbir and others.		Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Sushil Sharma, Advocate for
 Mr. Gurcharan Dass, Advocate for the appellant.

Mr. R.C. Kapoor, Advocate for respondent No.3.

B.S.WALIA, J (Oral).

1. Appeal has been filed claiming enhancement of compensation of ₹70,000/- awarded on account of injuries sustained by the appellant in a motor vehicular accident on 16.09.2002 as well as resultant loss on account of the appellant not getting promotion to the rank of Subedar due to medical categorization on account of injuries sustained in the accident.

2. Learned counsel for the appellant contended that on account of injuries sustained, the appellant was not promoted from the rank of Naib Subedar to the post of Subedar due to his medical categorization, although promotion letter had been issued by the authorities. Consequently, the appellant had suffered great financial loss due to the accident. Besides even at the time of leading evidence before the learned Motor Accidents Claims Tribunal, Hoshiarpur (hereinafter referred to as 'the Tribunal'), the

appellant could not pass urine normally on account of damage to his right kidney. Learned counsel contends that in the circumstances, the compensation awarded was inadequate and was liable to be enhanced.

3. Per contra, learned counsel for respondent No.3 contends that the compensation awarded by the learned Tribunal is just and proper and does not warrant interference.

4. I have considered the submissions of learned counsel for the parties.

5. The learned Tribunal while taking into account that the appellant remained in service even after accident and that nothing was charged from him on account of medical treatment or medication etc. and in view of cross-examination of Subedar Sukh Ram, AW-4, who testified that the appellant was still in service and would retire on completion of 26 years of service from the date of enrolment i.e. 14.02.1980 and that after the accident, no deduction had been made from the salary of the appellant as he was regularly doing duty as also that the appellant had not examined any doctor despite having taken the plea that he could not pass urine normally on account of damage to his right kidney, held that at best the appellant had lost promotion to the rank of Subedar on account of his medical categorization, consequentially, awarded ₹50,000/- on account of loss suffered by the appellant, besides ₹15,000/- on account of pain and suffering, ₹3,000/- on account of special diet and ₹2,000/- on account of attendant charges. Despite query, learned counsel for the appellant has not been able to quantify actual monetary loss on account of non-promotion to

the post of Subedar on account of medical categorization. In the circumstances, compensation awarded by the Tribunal on guess work does not seem to be suffering from any infirmity. As regards enhancement of compensation on account of pain and suffering, special diet and attendant charges, it has come on record that the appellant had taken treatment from the military hospital and nothing was paid by him on account of free medical facility. In the circumstances, to my mind, the compensation awarded does not suffer from any infirmity. Accordingly finding no merit in the appeal, the same is dismissed.

(B.S.WALIA)
JUDGE

04.02.2019
rajesh.k.khurana

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