

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1300 of 2014 (O&M)

Date of Decision: 08.11.2019

Suman Electric Works

.....Appellant

Vs.

Kreshni Devi and Others.

.....Respondents

FAO No.1301 of 2014 (O&M)

Suman Electric Works

.....Appellant

Vs.

Sonia and Others.

.....Respondents

CORAM: HON'BLE MR.JUSTICE DR. RAVI RANJAN

Present:- Mr.Naveen Mandhan, Advocate, and
Mr.Deepak Verma, Advocate, for the appellants.

None for the respondents.

DR. RAVI RANJAN, J. (Oral Judgment)

This order shall dispose of the aforesaid two appeals, i.e., FAO No.1300 of 2014 (O&M) and FAO No.1301 of 2014 (O&M).

Challenge in these appeals is to the decision of the Commissioner under the Employees Compensation Act, Yamuna Nagar Circle-I, Yamuna Nagar, granting compensation to the claimants in view of the death of the employee Malkit Singh who was working as a skilled worker for erecting electricity lines and laying of wires etc. and was working on the electric pole installed in the concerned area as per the directions of the appellant on the fateful day when he was electrocuted and due to electric shock, he received

multiple grievous burn injury. After remaining admitted for two days at Govt. Hospital, Sector-32, Chandigarh, he was referred to PGI, Chandigarh where he succumbed to the injuries. The Commissioner, after appreciation of materials on record has allowed the claim-applications filed on behalf of widow as well as the parents and total amount of Rs.4,14,473/- was assessed as just and proper compensation and appellant has been held liable to pay interest also @ 12% per annum to be calculated from the date of accident till the realization of the awarded amount.

The sole issue which has been raised by the appellant in this case is with respect to the interest for which the appellants has been found to be liable to pay to the claimants.

It is contended that, since the awarded amount has to be paid by the Insurance Company as the deceased was insured, interest amount for delayed payment of compensation should also be paid by the Insurance Company itself. In support of such submission, as stated in Ground No. 5 of the memorandum of appeal, it is urged that it would be clear from the document, i.e., Ex.RW1/B that the Insurance Company was informed by the 'appellant No.3'. However, in both the present appeals, there is only one appellant who was not respondent No.3 in the claim case. Even if it is assumed that aforesaid has been stated regarding respondent No.3 of the claim petition, in such case also respondent No.3 was XEN Construction Division, UHBVN Limited, Yamuna Nagar, but that respondent has not filed any appeal and even the said letter of information to the insurance company is not available in the lower Court records. Learned counsel is not in a position to show even copy of that document at the time of hearing. It is

memorandum of appeal in the absence of above. So far issue of payment of interest is concerned, a learned Single Judge of this Court has already considered the matter and after consideration of the provisions contained in Section 4A of the Employees Compensation Act, 1923, it has come to the conclusion in FAO No.2084 of 2008 and other analogous matter disposed of on 02.12.2009 that, in view of the provisions contained in the aforesaid statute and in view of the several judicial pronouncements including some of the Hon'ble Supreme Court, the amount of compensation becomes due on the expiry of one month from the date of accident, thus, interest would not become due from the date of Order/Award of the Commissioner but on the expiry of one month from the date of accident and, placing reliance upon a decision of the Hon'ble Apex Court rendered in **Ved Parkash Garg Vs. Premi Devi and Ors. (1997) 8 SCC 1**, the interest shall be paid by the employer and not by the Insurance Company. The present appellant being contractor who would enter into the shoes of the employer, would be liable to pay the interest imposed.

In the result, this appeal being devoid of any merit is dismissed.
However, there would be no order as to costs.

(DR. RAVI RANJAN)
JUDGE

08.11.2019

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No