IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 09.04.2019
FAO No.8514 of 2015 (O&M)

ICICI Lombard General Insurance Co. Ltd. ... Appellant

Versus

Harpreet Kaur and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vijay Pal, Advocate for the insurance company.
Mr. Mayank Mathur, Advocate for the claimants.
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REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 01.09.2015 passed by the Motor Accidents Claims Tribunal, Patiala whereby compensation has been assessed on account of death of Amarjit Singh in a motor vehicular accident that took place on 22.02.2014.

The Tribunal awarded Rs.89,86,496/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.54,100/-
2. Addition in income for future prospects	30%
3. Multiplier	14
4. Deduction for personal expenses	$1/4^{th}$
5. Loss of dependency	Rs.88,61,496/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of consortium	Rs.1,00,000/-

Counsel for the insurance company would inform that the appeal has been preferred to challenge only quantum of compensation.

The sole submission made by counsel for the appellant is that as per document Ex.P1, gross salary of the deceased in February, 2014 was Rs.48,660 but the Tribunal has assessed his income @ Rs.54,100/- per month by relying upon documents Ex.P2 and P3. It is argued that since grade pay w.e.f 01.12.2011 was revised on the basis of circular dated 24.02.2014 that finds reference in the document Ex.P3 and the claimants have been allowed benefit of addition in income for future prospects, loss of dependency is liable to be computed by considering income of the deceased at Rs.48,660/- per month.

Counsel representing the respondents/claimants, on the contrary, has supported assessment of compensation on the basis of revised pay as revision was allowed w.e.f 01.12.2011, though the circular with regard to revision of pay was issued just two days after death of Amarjit Singh.

Be that as it may, it is undisputed position of the case that the deceased was working as Senior Assistant with PSPCL. Dharamvir Singh, LDC, office of Deputy Secretary, Finance, Supdtt. Bill Branch, PSPCL PW2 was examined and he proved the documents Exs.P1 to P4. As per details of salary given in Ex.P1, gross salary of the deceased was Rs.48,660/- as on 22.02.2014. However, in view of circular issued by the Finance Department dated 24.02.2014, the grade pay was revised w.e.f 01.12.2011 and accordingly pay of the deceased was fixed at a higher rate. Once the deceased became entitle to higher pay with retrospective effect though in view of a circular issued after his death, compensation is required to be assessed on the basis of his revised pay that became payable prior to his death on 22.02.2014. In this view of the matter, I do not find any error much less illegality in findings of the Tribunal assessing income of the deceased at Rs.54,100/- per month. The Tribunal has rightly applied multiplier of 14, addition in income for future prospects @ 30% and deduction for personal and living expenses to the extent of 1/4th for computing loss of dependency to the tune of Rs.88,61,496/-.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

In this manner, compensation allowed by the Tribunal is reduced to the extent of Rs.55,000/-. The insurance company shall be entitle to recover the excess amount, if already paid, by filing an appropriate application before the Tribunal.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

09.04.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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