THE HONOURABLE SRI JUSTICE K.LAKSHMAN

MACMA. No.1997 of 2006

JUDGMENT:

Feeling aggrieved by the impugned order dated 24.01.2006 passed by the Motor Accidents Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad, appellant Corporation, preferred the present appeal.

Vide aforesaid impugned order, the learned Tribunal granted an amount of Rs.8,52,000/- towards compensation together with interest at the rate of 6% per annum from the date of the petition till the date of deposit as against the claim of Rs.11,00,000/- claimed by the respondents/claimants, towards compensation.

The learned Standing Counsel appearing for the appellant Corporation would contend that the learned Tribunal erred in considering the net pay of the deceased and it further erred in granting compensation of Rs.8,52,000/- under various heads as shown at para 14 of the impugned order.

With the said contentions, the learned Standing Counsel for the appellant prayed to set aside the impugned order and to allow the appeal.

Per contra, learned counsel for the respondents supporting the impugned order would contend that the learned Tribunal rightly considered the net pay of deceased and awarded an amount of Rs.8,52,000/- towards compensation.

Heard the learned Standing Counsel appearing for the appellant Corporation and Sri N.Ashok Kumar, learned counsel appearing for the respondents/claimants.

On perusal of the entire record, including Ex.A-8 Pay Slip of the deceased, it is not in dispute that the deceased was a Senior Technical Assistant in Indian Institute of Chemical Technology. Respondents/claimants have produced Ex.A-8, Pay Slip for the month of August, 2004. The deceased died in the month of September, 2004. Therefore, the respondents/claimants filed Ex.A-8, Pay Slip for the month of August, 2004, which would be the last pay slip of the deceased. As per the said Ex.A-8, gross pay of the deceased is shown as Rs.13,382/-. In the said Ex.A-8, an amount of Rs.100/- is shown as Professional Tax and the same shall be deducted from the gross salary of the deceased. The said Professional Tax cannot be treated as net pay for the purpose of computation of the compensation. After deducting the said amount of Rs.100/- towards the Professional Tax, the other pay i.e. Rs.13.282/- shall be considered as net pay of the deceased for the purpose of computation of the compensation.

It is relevant to note here that the learned Tribunal after considering the entire evidence on record gave the finding that the repayment of loans and advances cannot be treated as deductions for the purpose of arriving at the net pay and they are liable to be included in the net pay. Therefore, except the said amount of Rs.100/- towards the Professional Tax other amounts shall be considered as net pay for the purpose of computation of compensation.

As discussed above, after deduction of the said amount of Rs.100/-, net pay of the deceased is Rs.13,282/-. Therefore, the learned Tribunal has rightly considered the net pay of the deceased as Rs.13,282/-, after deducting Rs.100/- towards the Professional Tax and the learned Tribunal also rightly granted Rs.8,52,000/- towards compensation under various heads as specified at para 14 of the impugned order.

In view of the above said discussion, I do not find any error committed by the learned Tribunal to interfere with the impugned order.

Accordingly, this appeal fails and is dismissed by confirming the impugned order. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE K.LAKSHMAN

Date: 24.01.2020
LSK