

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

FAO-1448-2020 (O&M)
Date of Decision: 25.02.2020

United India Insurance Company Ltd.

..... Appellant

Versus

Chanderpati and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.N. Singal, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J (ORAL)

1. There is no startling mis-assessment under different heads available for compensation to the claimants in this appeal. The only contention advanced is that the income has been assessed on the higher side. It should have been less than Rs. 12,500/- per month by applying the Deputy Commissioner rates fixed under the Minimum Wages Act, 1948. The argument is based on the principle that the deceased should have been classified as unskilled labourer @ Rs. 8500/- per month as available in the year of death i.e. 2018. This argument has no substance. Why should the Tribunal assume that the income of every casual labour or unskilled person to whom the minimum of the minimum wages applies be classified as such.

In the year 2018 a skilled worker enjoyed monthly wages of Rs. 8900/-. In the notification cited by the appellant, a skilled worker is entitled to Rs. 10,845.27 per month. The claimants deposed that the deceased worked as a Welder. Employer who pays wages less than the minimum wages, can be penalized under the law. These are floor rates but not accurately reflect in the real market conditions in the district category of employment. The notification lays down broad by heads classifications in levels of Skill but not intestacies of the many posts and jobs that workers do.

2. Therefore, I would not tinker with the assessment of income at Rs. 12,500/- per month which is a realistic figure accepted by the Tribunal in its judicious direction which ought not to be substituted by superimposed direction of this Court in appeal.

3. The next argument is that the Tribunal has awarded interest on the higher side @ 9% p.a. and that should be reduced. I find no merit to downscale the rate of interest and, on the other hand, I thought it fit to have enhanced the same but I refrain from doing so.

4. No other point is raised other than these two.

5. The appeal is without substance and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

25.02.2020
Satyawar

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