

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

373

FAO No.1006 of 1997 (O&M)

Date of decision: 24.01.2020

Smt. Nisha Sharma and ors.

... Appellants

Versus

Kamal and Co. Coach Works and anr.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Joshi, Advocate for the appellants.
Mr. Brijesh Kumar, Advocate for
Mr. Pawan Kumar Mutneja, Advocate for the respondents.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation in respect of death of Baljit Kumar Sharma during the course of employment on 29.06.1994.

The Commissioner under the Workmen's Compensation Act assessed compensation of Rs.73,668/- by ascertaining wage @ Rs.1000/- per month and factor of 184.17 was applied by treating the deceased to be 40 years old at the time of occurrence. In addition, a sum of Rs.25,000/- has been awarded by way of penalty, payable with interest @ 6% per annum from the date of accident till actual realisation in case compensation and penalty is not paid within a period of 30 days from the date of order i.e. 04.10.1996.

Counsel for the appellants has failed to make any submission to justify awarding additional compensation or amount of penalty. However, the Commissioner has allowed interest only if the amount of compensation and penalty is not paid within 30 days from the date of order. The Commissioner has not assigned any special reason to deviate from the provision of the Act or extend this concession to employer of the deceased. In the given circumstances, findings of the Tribunal with regard to payment of interest are modified to the effect that appellants shall be entitle to interest on compensation and penalty amount at the rate ascertained by the Commissioner on expiry of 30 days from the date of occurrence till actual realisation irrespective of whether the amount has been deposited within 30

days or otherwise.

In view of what has been discussed hereinbefore, the appeal is partly allowed in the aforesaid terms.

24.01.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No