

FAO- 788 of 1996 (O&M)
Date of Decision: 21.1.2020

Jasmer Singh

---Appellant

versus

Smt. Balbir Kaur and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Saurabh Kapoor, Advocate
for Mr. Ashit Malik, Advocate
for the appellant
None for respondent No. 1
Mr. Sanjiv Pabbi, Advocate,
for the insurance company

Rekha Mittal, J.

The claimant is in appeal seeking additional compensation on account of injuries sustained, during the course of employment, as driver of car bearing No. DDO-2682.

The Commissioner under the Workmen's Compensation Act, 1923 (in short "the Act") has awarded compensation to the tune of Rs.16,602/-, interest from 4.10.1989 to 30.11.1995 amounting to Rs.6029/- making total sum of Rs.22,631/-.

Counsel for the appellant would argue that occurrence in question took place on 26.01.1989 and as per the provisions under the Act, interest is payable on expiry of 30 days with effect from date of occurrence. In addition, it is argued that the Commissioner has not awarded any compensation in respect of medical expenses/treatment as the injured remained admitted in Civil Hospital, Panipat, referred to General Hospital, Karnal and treatment

was given by Dr. P.D.Kakkar.

Counsel representing the insurance company, on the contrary, would argue that occurrence took place in January 1989 and at that time there, was no provisions in the Act for reimbursement of medical expenses.

Counsel for the appellant is not in a position to cite any provision in the Act that envisages obligation of the employer to indemnify him in respect of medical expenses incurred in respect of injuries sustained in January 1989. As such, plea of the claimant for grant of medical expenses is not sustainable and tenable.

The claimant has been awarded interest from 4.10.1989 to 30.11.1995, the date on which the application was disposed of. The Commissioner has not made any provision for payment of future interest from the date of award till realization of amount of compensation of Rs. 16,608/- The claimant shall be entitle to interest @ 6% per annum on compensation amount of Rs. 16,602/- with effect from 26.2.1989 till realization. The amount of interest from 4.10.1989 to 30.11.1995 shall be liable to be adjusted out of amount of interest calculated in the aforesaid terms.

Counsel for the appellant would inform that a notice was given to the employer to show cause why penalty be not imposed upon him. The appellant would be at liberty to pursue his remedy before the Commissioner concerned for deciding the question of penalty.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

21.1.2020

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