

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1743 of 2018 (O&M)
Date of Decision: 20.03.2020

Pepsu Road Transport Corporation, Sangrur, through its General Manager

.....Appellant

Vs.

Subhash Chander Sharma and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harsh Chopra, Advocate,
for the appellant.

AMOL RATTAN SINGH, J. (ORAL)

In this appeal, learned counsel for the appellant points to the fact that respondents no. 2 and 3, i.e. the sons of the deceased Santosh Sharma (wife of respondent no. 1), are shown to be 35 and 32 years of age, as given in the memo of parties in the claim petition itself, and therefore cannot be treated to be dependent on their late mother, the presumption being that at that age they would be working on their own and also married and consequently, not dependent on their mother even for household work.

Even having considered that, I am not inclined to interfere with the Award as regards the compensation awarded to the respondents in view of the fact that the deceased was a house-hold lady whose income has been taken to be Rs. 6,000/- per month by the Tribunal, whereas even if this court were to invoke its jurisdiction under Rule 27 of Order 41 of the Code of Civil Procedure, 1908, and thereby admit the periodical circulars issued by the Labour Commissioner, Punjab, in evidence, (laying down the minimum wages for un-skilled and skilled workers),

those being public documents and therefore permissible to be exhibited in this first appeal, it is seen that the minimum wage of a skilled worker as on 01.09.2015 was Rs. 8,612.26/- with it being increased to Rs. 8,857.52/- on 01.03.2016, i.e. within less than one month of the death of the deceased, the accident having taken place on 05.02.2016.

That document being available in this court, is therefore ordered to be taken on record, by way of evidence, as Ex. CA-1 in this appeal, by invoking the aforesaid jurisdiction.

Hence, if that amount is taken to be the loss of income to only respondent no. 1, i.e. the husband of the deceased, the annual income would come to Rs. 1,06,650.72/- which, upon applying a multiplier of 11 as has been applied by the learned Tribunal, amounts to Rs. 11,73,157.92/-.

If that amount is divided by 2, taking that respondents no. 2 and 3 were not dependent on the deceased and only respondent no. 1 was dependent on her, it comes to Rs. 5,86,578.96/-, to which Rs. 70,000/- is to be added under the 'conventional heads', in terms of the ratio of the judgment of the Constitution Bench of the Supreme Court in National Insurance Company Ltd. vs. Pranay Sethi (2017) 16 SCC 680, thereby coming to a total compensation of Rs. 6,56,578.96/-.

It is to be noticed that the said amount is arrived at without factoring in any loss of future prospects of an increased income to the deceased.

The Tribunal, on the other hand, though on different parameters, has awarded a total sum of Rs. 6,53,000/-

That being so and the finding of the learned Tribunal on the question of negligence not being under challenge, as has been very fairly stated by learned counsel for the appellant, I see no reason to entertain this appeal, though the appeal

listed along with this one (also filed by the appellant Pepsu Road Transport Corporation, Sangrur), i.e. FAO No. 1742 of 2018, has still been kept pending on the issue of quantum of compensation to the respondent-claimants in that appeal, on arguments raised by learned counsel in the circumstances of that case.

However, as regards the present appeal, I see no reason to entertain it in view of the above given reasons and consequently it is dismissed, with costs.

CM No. 6698-CII-2018

The appeal itself having been dismissed on merits, the application seeking condonation of a delay of 22 days in filing it, which otherwise would be condonable in my opinion, has been rendered infructuous and is disposed of as such.

March 20, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes