

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

FAO No. 6936 of 2017(O&M)

Date of decision: 21.1.2020

Smt. Rajesh and others

.....Appellants

VERSUS

M/s Pooja Roadlines Pvt. Ltd and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Bhanvi Sood, Advocate for
Mr. Aditya Jain, Advocate for the appellants.

REKHA MITTAL, J.(Oral)

The claimants are in appeal seeking additional compensation with regard to death of Harender Singh during the course of employment as driver on Tata 407 bearing No.DL-1LT-1406, owned by M/s Pooja Roadlines Pvt. Ltd. The Commissioner under the Employees' Compensation Act, 1923 (in short 'the Act'), Palwal has assessed wage of the deceased at Rs.8000/- per month, by applying factor of 216.91, compensation has been assessed to the tune of Rs.8,67,640/- and liability to pay interest at the rate of 12% per annum has been created in case compensation is not paid within 30 days from the date of order.

Counsel for the appellants would argue that appellants are entitle to interest at the rate of 12% per annum on expiry of 30 days from the date of occurrence, in view of provisions of Section 4A of the Act and award may be modified accordingly. Another submission made by counsel

is that appellants may be extended benefit of diet expenses at the rate of Rs.200/- per day, paid to the deceased by his employer.

Mr. Rajbir Singh, Advocate has caused appearance on behalf of the insurance company and would argue that there is no satisfactory much less cogent evidence to establish that deceased was getting Rs.200/- per day as diet money in addition to wage.

Taking into consideration the provisions of Section 4A of the Act, contention of the appellants for grant of interest at the rate of 12% per annum w.e.f. expiry of 30 days from the date of occurrence is meritorious and accordingly allowed.

The plea of claimants that deceased was paid Rs.200/- per day as diet money does not find corroboration from an independent source much less documentary evidence. In the given circumstances, I do not find any reason to interfere in the award rejecting claim qua diet money.

No other point has been raised.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

JANUARY 21, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no