

THE HON'BLE SRI JUSTICE A. VENKATESHWARA REDDY

C.M.A.No.979 of 2008

JUDGMENT:

This Civil Miscellaneous Appeal is filed by the applicant, assailing the order dated 30.11.2005 in W.C.No.58 of 2005 on the file of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour at Nalgonda (hereinafter referred to as 'the Tribunal').

2. W.C.No.58 of 2005 was filed by the appellant/applicant claiming compensation against the opposite party Nos.1 & 2 under Workmen's Compensation Act, 1923 (for short 'the Act'), the Tribunal has allowed the said application and awarded an amount of Rs.2,71,137/- to the applicant. However, the Tribunal has not awarded any interest.

3. Feeling aggrieved by the same, this C.M.A. is filed by the appellant/applicant stating that the Tribunal has erred in not awarding interest at 12% per annum from the date of accident till the date of realization.

4. Heard learned counsel on both sides.

5. The learned counsel for the appellant/applicant submits that in case of compensation awarded under the Act, the Tribunal has to award interest and the applicant is entitled for interest at 12% per annum and relied on the principles relied on the following decisions:

- i) ***Saberabibi Yakubbbhai Shaikh and others Vs. National Insurance Company Limited and others***¹;
- ii) ***Ajay Kumar Das and another Vs. Divisional Manager and another***²; and
- iii) ***P. Meenaraj Vs. P. Adigurusamy and another***³.

6. *Per contra*, the learned counsel for the respondent/opposite party No.2-Insurance Company would submit that no jurisdictional error is committed by the Tribunal and the appellant/applicant is not entitled for interest.

¹ (2014) 2 SCC 298

² 2022 ACJ 1004

³ 2022 ACJ 1001

7 (i). In **Saberabibi Yakubbbhai Shaikh**'s case (1st supra), the Apex Court while applying the principles held in **Oriental Insurance Company Limited v. Siby George**⁴ held that under the Act the applicant is entitled for interest at 12% per annum from the date of accident.

7 (ii). In **Ajay Kumar Das**'s case (2nd supra) also while referring the principles laid in **Siby George**'s case (4th supra) and **Saberabibi Yakubbbhai Shaikh** (1st supra), the Apex Court has held that the compensation with interest would fall due from the date of accident.

7 (iii). Further in **P. Meenaraj** (3rd supra), the Apex Court has reiterated that the applicant is entitled to interest from the date of accident while rejecting the submission that the award of interest should be after expiry of 30 days from the date of accident.

8. Thus, the principles consistently laid down by the Apex Court shows that the applicant under the Act is entitled for interest from the date of accident, whereas in

⁴ (2012) 12 SCC 540

the case on hand, the Tribunal has not awarded any interest to the applicant. Therefore, while relying on the principles laid in the above decisions, I hold that the appellant/applicant is entitled for interest. Accordingly, the order impugned is modified directing that both the opposite party Nos.1 & 2 in W.C.No.58 of 2005 are jointly and severally liable for payment of the said amount of Rs.2,71,137/- towards compensation to the applicant with interest at 12% per annum from the date of accident dated 30.01.2005.

9. Be it stated that W.C.No.58 of 2005 was filed by the applicant, who is the mother of deceased-workman viz., Sri Pokala Ramesh, who was working under the employment of opposite party No.1 on Borewell Rig bearing No.AP-20J-8568 and the said vehicle was insured with opposite party No.2-Oriental Insurance Company Limited. The Tribunal has allowed W.C.No.58 of 2005 and awarded compensation of Rs.2,71,137/- directing both the opposite party Nos.1 & 2 to deposit the said amount within 30 days from the date of receipt of copy of order. However, in view

of the principles laid by the Hon'ble Supreme Court in the above decisions, the opposite party Nos.1 & 2 are directed to pay the said amount of Rs.2,71,137/- awarded by the Tribunal with interest at 12% per annum from the date of accident dated 30.01.2005.

10. With the above modification as to the payment of interest at 12% per annum on the amount of Rs.2,71,137/- from the date of accident, the order dated 30.11.2005 in W.C.No.58 of 2005 passed by the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour at Nalgonda is hereby confirmed. The Civil Miscellaneous Appeal is accordingly allowed. The appellant is entitled for withdrawal of compensation amount deposited together with interest as indicated above. However, in the circumstances of the case, there shall be no order as to costs.

Miscellaneous Applications, if any pending in this appeal, shall stand closed.

A. VENKATESHWARA REDDY, J.

Date: 15 .11.2022
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