

2023:PHHC:071411

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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FAO No.4414 of 2016
Date of Decision: 17.05.2023

Ramesh Kumar

...Appellant

Versus

Sanjay Kumar and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Divay Sarup, Advocate
for the appellant.

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MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved and dis-satisfied with the Award passed by the Commissioner under the Employee's Compensation Act, 1923, at Hisar (for short 'the Commissioner') on 30.06.2015, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been granted compensation to the tune of Rs.11,43,854/- on account of the injuries as suffered by him in an accident, he (claimant) has preferred the instant appeal for seeking the enhancement of the amount of compensation.

2. Bereft of unnecessary details, the facts culminating in the filing of the present appeal, are that the claimant filed a claim application against the respondents, i.e the respective owner and insurer of the vehicle bearing registration No.HR-39-0088, for seeking compensation of Rs.25 lac, while averring that he had been working with respondent No.1-owner-insured (here-in-after to be referred as 'the insured') as 'Cleaner' for the

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said vehicle with the monthly salary @ Rs.8000/-, along-with the daily diet-money/allowance @ Rs.50/-. On 06.07.2013, he met with an accident during the course of his employment and sustained grievous injuries on his person, resulting into the amputation of his leg and thereby, causing 100% disability to him.

3. Both the respondents filed their respective written statements and then, the parties were put to the trial by framing the issues on 15.01.2014. After appreciating and evaluating the evidence as led by the parties on the record and hearing their learned counsels, the Commissioner has passed the impugned Award, granting compensation to the claimant, as already discussed in the opening para of this judgment.

4. I have heard learned counsel for the appellant-claimant in the instant appeal, at the preliminary stage and have also gone through the file carefully.

5. The sole contention, as has been raised by learned counsel for the claimant, is that besides the monthly salary @ Rs.8000/-, the claimant was also getting the daily diet-money/allowance @ Rs.50/- but however, this allowance has not been taken into consideration by the Commissioner for the purpose of calculating the amount of compensation payable to the claimant and therefore, he (claimant) is entitled to the enhancement in the amount of compensation, on this score, accordingly.

6. However, the above-raised contention does not hold any water because though, the claimant has averred that he had been getting Rs.50/- as daily diet-money/allowance but as is explicit from the bare perusal of the

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impugned Award itself, he had not produced his salary-slip on the record at the time of leading his evidence, so as to substantiate his afore-said claim. Mere oral, bald and self-serving depositions, made by him in his affidavit Exhibit AW1/A as tendered while appearing as AW-1, do not suffice at all to establish the above-mentioned fact.

7. As a sequel to the fore-going discussion, it follows that the impugned Award does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the appeal in hand, being sans any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

17.05.2023
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Whether speaking/reasoned: *Yes*
Whether Reportable: *No*