

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

FAO-8043-2014 (O&M)
Date of Decision:-**29.08.2023**

SANTOSH DEVI AND ORS

... Appellants

Versus

TEJINDER WALIA AND ANR

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Kapil Gupta, Advocate for
Mr. Vivek Goyal, Advocate
for the appellant.

Mr. S.S. Sidhu, Advocate
for respondent No2.

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KARAMJIT SINGH, J. (Oral)

1. This is the claimants appeal challenging order dated 31.5.2012 of the competent authority under the Workmen's Compensation Act.
2. The appellants filed a claim application before the competent authority seeking compensation on account of death of deceased-workman Satyawan son of Baru Ram, who alleged to have died in a road accident on 4.5.2009 during the course of his employment with respondent No.1 being driver of Matiz car bearing registration

No.CH03-A-5333. The said car was insured with the respondent No.2-Insurance Company.

3. Upon notice, both the respondents appeared before the competent authority and filed separate written statements contesting the claim application.
4. On the pleading of the parties, following issues were framed:-
 - i. Whether there was relationship of employer and employee between the parties? OPP
 - ii. Whether the accident occurred during the course of employment under respondent No.1?OPP
 - iii. Whether the applicants are entitled for claimed amount of compensation if so, to what extent and from whom? OPP
 - iv. Relief.
5. The appellant's-claimant examined PW-1 Krishan Kumar eye-witness and PW-2 Santosh Devi wife of Satyawar and produced death certificate (Ex.A1), copy of DDR (Ex.A2), copy of injury report (Ex.A3) and medical treatment record Mark A1 to Mark A2, copy of driving license Mark-3 and copy of registration certificate Mark-4. Respondent No.2 Insurance Company examined RW-1 Vikash Chaudhary Investigator General Insurance Company and tendered documents Ex.R1 to Ex.R6 including copy of registration certificate, driving license and insurance policy.
6. On the basis of the evidence on record, the competent authority found that there existed relationship of employer and employee between

deceased-workman and respondent No.1. The competent authority decided all the issues in favour of the appellants-claimants and determined compensation payable to the appellants at ₹3,44,000/- by taking the wages of deceased-workman as ₹4,000/- per month and treating his age as 44 years. The competent authority further directed the respondent to deposit the said amount of compensation within a period of 30 days failing which respondent No.2-Insurance Company would also be liable to pay simple interest at the rate of 12% per annum on the awarded amount from the date of order till its realization.

7. Being aggrieved by the said order, appellants/claimants have filed this appeal.
8. While restricting his arguments, the counsel for the appellant submits that the only grievance of the appellant is that the competent authority should have awarded simple interest at the rate of 12% per annum w.e.f. 30 days of the date of accident or from the date of accident and not from the date of order as awarded by the competent authority. The counsel appearing on behalf of the appellants while concluding his arguments, submits that the impugned order deserves to be modified to the extent stated above. In support of his arguments, the counsel for appellant has placed reliance on the judgment of Hon'ble Supreme Court in **Oriental Insurance Company Ltd. vs. Siby George (2012)12 SCC 540**.

9. The present appeal is resisted by the counsel for the insurance company, who while supporting the impugned order, submits that there is no illegality or infirmity in the same. It is further submitted that the competent authority rightly held that the appellants are entitled to get interest only from the date of order till its actual realization. It is further contended that the insurance company has got no statutory liability to pay interest on amount of compensation under Workmen's Compensation Act. It is further contended that the appeal deserves to be dismissed.
10. I have considered the submissions made by counsel for the parties.
11. Section 4-A of Workmen's Compensation Act (now the Act stands as Employees Compensation Act, 1923) provides that interest is payable from the date it fell due i.e. from the date of accident as has been held by the Hon'ble Apex Court in **Oriental Insurance Company Ltd. vs. Siby George, (2012)12 SCC 540**. Further, the Hon'ble Supreme Court in the recent judgment in **Civil Appeal No.447 of 2022, Ajaya Kumar Das and Another vs. Divisional Manager and Another** decided on **24.1.2022** reiterated that *'the applicant is entitled to interest from date of accident while rejecting the submission that the award of interest should be after the expiry of 30 days from the date of accident'*.
12. In the light of the above-settled position of law, it is held that the appellants are entitled to simple interest @ 12% per annum on the awarded amount from the date of accident and not from the date of

order as awarded by the competent authority. The impugned order is modified to that extent.

13. The appeal stands disposed of in the aforesaid terms.

29.08.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No