



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

208

CWP-5177-2000

Date of decision: 16.12.2024

SUBHASH CHANDER

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sachin Kalia, Advocate for
Mr. R.S. Bajaj, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 04.04.2000 (Annexure P-3) whereby respondent No. 3-Senior Superintendent of Police, Amritsar has ordered to recover a sum of Rs. 2,04,339/- from him.

2. The petitioner is part of Punjab Police. He joined Punjab Police as Constable on 09.07.1988. While he was on duty on 09.03.1994, his vehicle met with an accident wherein his colleagues died. The dependents of deceased filed claim petition before Motor Accident Claims Tribunal (for short 'Tribunal') seeking compensation under Motor Vehicle Act, 1988. The Tribunal vide order dated 10.01.2000 awarded compensation of Rs. 4,66,600/- along with interest @ 12% per annum to the claimants. The Tribunal held the State as well as the petitioner jointly and severally responsible for the liability. The order of Tribunal was unsuccessfully challenged before this Court.

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3. The respondent- Senior Superintendent of Police, Amritsar vide order dated 04.04.2000 ordered to recover 25% of compensation along with interest from the petitioner.

4. Mr. Sachin Kalia, Advocate submits that petitioner cannot be held responsible at least for the delayed payment of compensation. He can be held liable to pay part of compensation and not the interest accruing on the awarded compensation.

5. Mr. Aman Dhir, DAG, Punjab expressed his inability to controvert the argument of the petitioner to the effect that he at the most can be held liable for 25% of principal amount and not interest.

6. This Court finds substance in the prayer of the petitioner, especially in view of the fact that as per proviso to Section 146(2) of Motor Vehicle Act, State is required to create fund for meeting any liability arising out of the use of its vehicles. The petitioner cannot be held liable to pay part of interest.

7. Accordingly, it is hereby held that petitioner is liable to pay 25% of compensation excluding interest.

8. The impugned order is modified in above terms.

16.12.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No