

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

FAO No.1375 of 2001

Date of Decision: 06.02.2024

Ram Sarup

...Appellant

Versus

Rajinder and another

...Respondents

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

Present:- Mr. Vishal Gupta, Advocate
for the appellant.

Service of notice upon respondent No.1 already
dispensed with vide the order dated 26.07.2004.

Mr. Ankur Gupta, Advocate and
Mr. Abhimanyu Kalsy, Advocate
for respondent No.2-Insurance Company.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved and dis-satisfied with the Award handed down by the Commissioner (for short 'the Competent Authority') under the Workmen's Compensation Act 1923 at Karnal on 24.03.2000, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been granted compensation to the tune of Rs.88,548/- along-with simple interest @ 6% per annum from the date of filing of the claim application till the date of Award, on account of the death of his son named Surat Singh alias Naresh Kumar, he (claimant) has preferred the instant appeal for seeking the enhancement of the amount of compensation.

2. Shorn and short of unnecessary details, the facts, as emanating from the perusal of the file and culminating in the filing of this appeal, are

that the claimant filed a claim application for seeking compensation from the respondents and averred therein that his above-named son had been employed by respondent No.1-employer (here-in-after to be referred as ‘the employer’) as ‘Cleaner’ on his Truck bearing registration No.HR-11-1731 and while performing his duty as such on 10.05.1992, his son met with an accident which proved fatal for him. The respondents filed their separate written-statements, contesting the claim of the claimant therein, on several grounds. Then, the parties were put to the trial by framing the issues and after appreciating and evaluating the evidence as led by them on the record and hearing their respective counsel, the Tribunal has granted compensation to the claimant vide the impugned Award, as already indicated in the opening para of this judgment.

3. I have heard learned counsel for the appellant-claimant as well as learned counsel for respondent No.2-Insurance Company in the present appeal and have also perused the file carefully.

4. The sole contention raised by learned counsel for the claimant, is that the Competent Authority erred in granting the interest on the amount of compensation from the date of filing of the claim application whereas the claimant was entitled to the same from the date of the accident itself and it being so, the impugned Award requires to be modified accordingly.

5. Per-contra, learned counsel for respondent No.2 argue that the Competent Authority has rightly granted the interest to the claimant from the date of filing of the claim application and hence, the impugned Award is perfectly legal.

6. It is worth-while to mention here that in **Pratap Narain Singh Deo versus Shrinivas Sabata and another, 1976 AIR (SC) 222**, the four Judges' Bench of the Apex Court has categorically held that "*the employer became liable to pay the compensation as soon as the personal injury was caused to the workman by an accident which admittedly arose out of and in the course of the employment*". In view of the afore-quoted observations, it becomes explicit that the liability of the employer to pay compensation and corresponding entitlement of the claimant, had commenced from the date of the above-mentioned accident itself and since the employer did not pay the same well in time, therefore, the claimant is entitled to the interest on amount of compensation from the date of the afore-said accident.

7. As a sequel to the fore-going discussion, the impugned Award is, hereby, modified only to the extent that the appellant-claimant is granted interest on the amount of compensation, as already awarded to him, from the date of the above-referred accident till the day of actual payment of the compensation to him and the appeal in hand stands allowed accordingly.

06.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes