

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

**FAO No.266 of 2001
Date of Decision: 20.01.2024**

Raghubir Dayal

...Appellant

Versus

Transport Controller Haryana State, Chandigarh & Anr.

...Respondents

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

Present:- Mr. Kapish Singla, Advocate, appearing for
Mr. Ashit Malik, Advocate,
for the appellant.

Mr. Apoorv Garg, Senior DAG, Haryana,
for the respondents.

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MEENAKSHI I. MEHTA, J.(ORAL)

Feeling aggrieved and dis-satisfied with the Award handed down by the Commissioner under the Workmen's Compensation Act, 1923 for District Karnal (for short 'the Commissioner') on 29.03.2000, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been granted compensation to the tune of Rs.9732/-, along-with the interest @ 6% per annum from the date of the Award, on account of the injuries suffered by him on 06.01.1994 in a road accident, while driving the vehicle bearing Registration No.HR-29-265 during the course of his employment with the respondents-employers (here-in-after to be referred as 'the employers') as a Driver, he has chosen to prefer the instant appeal to seek the enhancement of the amount of compensation.

2. I have heard learned counsel appearing for the appellant-claimant as well as learned State counsel for the respondents-employers in the present appeal and have also perused the file carefully.

3. The sole contention, as raised by learned counsel appearing for the claimant, is that the Commissioner has erroneously awarded 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 afore-referred accident, i.e the day when the employers became liable to pay the compensation to him. To buttress his contention, he has placed reliance upon the judgment rendered by Hon'ble Supreme Court in **Pratap Narain Singh Deo vs. Shrinivas Sabata and another, 1976 AIR (SC) 222.**

4. Per-contra, learned State counsel for the employers argues that the Commissioner has rightly awarded the interest from the date of filing of the claim application and hence, the instant appeal deserves dismissal.

5. In **Pratap Narain Singh Deo (supra)**, 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 the light of above-discussed observations, it becomes crystal clear that the liability of employers to pay the compensation and the corresponding entitlement of the claimant, had commenced from the date of the accident itself but since the employers had not paid the same to the claimant accordingly, therefore, he (claimant) is entitled to the interest on the amount of compensation from the date of the above-said accident.

6. As a sequel to the fore-going discussion, the appeal in hand is hereby allowed by way of modifying the impugned Award only to the extent that the appellant-claimant is entitled to receive the interest on the amount of compensation, as has been granted to him by the Commissioner, from the date of accident, i.e 06.01.1994, instead of the date of filing of the claim application by him.

20.01.2024
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>