

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

**FAO No.443 of 2001
Date of Decision: 07.02.2024**

Raj Pal @ Pala Ram

...Appellant

Versus

Mohinder Singh and others

...Respondents

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

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

Service of notices upon respondents No.1 to 3
dispensed with.

Mr. Abhishek Goyal, Advocate appearing for
Mr. Pardeep Goyal, Advocate
for respondent No.4-Insurance Company.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved and dis-satisfied with the Award as handed down by the Commissioner (for short 'the Competent Authority') under the Workmen's Compensation Act, 1923 (for short 'the Act of 1923') at Karnal on 11.11.1999, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been granted the compensation to the tune of Rs.46,753/-, along-with interest @ 12% per annum from the date of filing of the claim application till the date of the Award, on account of the injuries sustained by him in an accident, he (claimant) has chosen to prefer the instant appeal for seeking enhancement of the amount of compensation.

2. As per the brief factual-matrix emerging from the perusal of the record and culminating in the filing of the present appeal, the claimant filed

a claim application for seeking the compensation of Rs.02 (two) lac from the respondents, while averring that he had been employed by respondents No.1 and 2 (here-in-after to be referred as 'the employers') as 'Helper' for their Harvester Combine with monthly wages @ Rs.2500/-. On 09.08.1996, when he was trying to set the blade of the Combine, the driver started moving the same and it ran over his leg and he suffered permanent disability due to the injuries sustained by him in the above-said accident. Respondents No.1 and 2 filed their joint written-statement and respondents No.3 and 4 filed their separate written-statements, contesting the claim of the claimant therein, on various grounds. 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 Competent Authority allowed the afore-referred claim application and granted compensation to the claimant, 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 appearing for respondent No.4-Insurance Company in this appeal and have also gone through the record carefully.

4. Learned counsel for the claimant contends that in Para No.3 in his claim application, the claimant has specifically averred that he had been getting the monthly wages @ Rs.2500/- and though in the corresponding para of their written-statement, the employers have nowhere denied the above-said fact but the Competent Authority has wrongly assessed the monthly wages of the claimant as Rs.1468/-, by taking the rate of minimum wages payable to a worker, as periodically notified by the Government and prevalent at the time of the afore-said accident, into consideration and has calculated

the amount of compensation accordingly whereas it was to be computed on the basis of the above-mentioned actual monthly wages of the claimant, i.e Rs.2500/-. He has also contended that the claimant was entitled to the interest from the date of accident till the payment of the amount of compensation but the Competent Authority has erroneously awarded the same from the date of filing of the claim application till the date of the Award only.

5. Per-contra, learned counsel appearing for respondent No.4- Insurance Company argues that the Competent Authority has rightly assessed the monthly wages of the claimant and has correctly granted the interest to him and therefore, the impugned Award is perfectly legal.

6. As regards the contention qua the assessment of the monthly wages of the claimant, it is pertinent to mention here that though in Para No.3 in the claim application, he has claimed his monthly wages to be Rs.2500/- and in the corresponding para in their written-statement, the employers have not denied the afore-said fact but undisputedly, the maximum statutory limit of the monthly wages of a workman, for the purpose of computation of the amount of compensation under the Act of 1923, stood capped at Rs.2,000/- only, at the relevant time and it being so, the same has to be taken into consideration for the calculation of the amount of compensation, as payable to the claimant.

7. So far as the contention regarding the date for granting interest is concerned, a four Judges' Bench of Hon'ble the Supreme Court has observed in **Pratap Narain Singh Deo Vs. Srinivas Sabata and Anr, AIR 1976 SC 222** that *"it was the duty of the appellant, under Section 4A(1) of the Act, to pay the compensation at the rate provided by Section 4 as soon as the personal*

injury was caused to the respondent”. In view of these 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.

8. Resultantly, the net enhanced amount of compensation, as would be payable to the appellant-claimant, is worked out as under: -

Monthly wages of the applicant	Rs.2000/-
60% of the monthly wages of the injured workman	Rs.1200/-
Factor applicable	221.37
Amount of compensation	Rs.1200x221.37=2,65,644
Disability suffered	24%
Net amount of compensation	265644x24%=63754.56 (rounded off as Rs.63,755/-)
Amount already awarded	Rs.46,753/-
Net enhanced amount	Rs.63,755-46,753=17,002/-

9. As a sequel to the fore-going discussion, the appeal in hand is hereby allowed to the effect that the appellant-claimant is entitled to the net enhanced compensation to the tune of **Rs.17,002/-**, over and above the amount of Rs.46,753/-, as already awarded to him by the Competent Authority and the total amount of compensation shall carry the interest @ 12% per annum, from the date of accident till its actual payment.

07.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes