

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.637 of 2001
Date of Decision: 06.02.2024

Darshna Rani & others
...Appellants
Versus
Union of India & others
...Respondents

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

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

Mr. Paul S. Saini, Advocate,
Senior Panel counsel for respondents No.1 & 2.

Service of notice upon respondents No.3 & 4
has been dispensed with.

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MEENAKSHI I. MEHTA, J.

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’) for District Karnal on 21.04.2000, whereby the appellants-claimants (here-in-after to be referred as ‘the claimants’) have been granted the compensation to the tune of Rs.1,66,290/- and respondents No.1 and 2 have been saddled with the liability to pay the same to them, on account of the death of Tilak Raj by electrocution, they (claimants) have preferred the instant appeal for seeking the enhancement of the amount of compensation.

2. Bereft of the unnecessary details, the facts, as emerging from the perusal of the file and culminating in the filing of the present appeal,

are that the claimants, being the wife and the sons of the above-named deceased, filed a claim application to seek compensation of Rs.10 (ten) lac from the respondents, while averring that the deceased had been working with the respondents as 'Operator'. On 02.12.1997, when he was attending to some fault as arisen in respect of a telephone connection, he suffered an electric shock and fell down from the pole and sustained the injuries in this accident and finally, he succumbed to the same. The respondents filed their written-statements. The parties were put to the trial by framing the issues. After appreciating and evaluating the evidence as led by the parties on the record and hearing their learned counsel, the Competent Authority allowed the afore-referred claim application vide the impugned Award, as already discussed in the opening para of this judgment.

3. I have heard learned counsel appearing for the appellants-claimants as well as learned Senior Panel counsel for respondents No.1 & 2 in the instant appeal and have also perused the file carefully.

4. The sole contention, raised by learned counsel appearing for the claimants, is that respondents No.1 and 2, being the employers of the deceased, had failed to pay the compensation to the claimants at the time when it fell due to them but at the time of awarding the compensation, the Competent Authority did not take this fact into consideration and did not grant the interest to the claimants as required under Section 4A(3)(a) of the Act of 1923 and in these circumstances, they are entitled to the interest on the amount of compensation, as awarded to them and that too, @ 12% per annum from the date of accident till the payment of the said amount.

5. Per-contra, learned Senior Panel counsel for respondents No.1 and 2 argues that the impugned Award is perfectly legal and correct and hence, the present appeal deserves dismissal.

6. Section 4A(3)(a) of the Act of 1923 provides for the grant of interest, in the eventuality of default on the part of the employer to pay the compensation, as envisaged under the Act (*ibid*). 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 the light of these observations, it becomes quite explicit that respondents No.1 and 2-employers had not paid the compensation to the claimants, well in time and it being so, they are liable to pay the interest to the claimants @ 12% per annum in terms of the provisions, as contained in Section 4A(3)(a) of the Act of 1923.

7. As a sequel to the fore-going discussion, the appeal in hand is hereby allowed to the effect that the appellants-claimants are awarded the simple interest, on the amount of compensation, i.e Rs.1,66,290/-, @ 12% per annum from the date of the accident till the actual payment of the amount of compensation to them.

06.02.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes