



FAO-1034-2010 (O&M)

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHFAO-1034-2010 (O&M)
Decided on 13.11.2024

Geene Devi

....Appellant

Versus

Mohan Lal & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAINPresent:- Mr. Devyansh, Advocate for
Mr. Jaggish Manchanda, Advocate
for the appellant.Mr. Sandeep Khunger, Advocate
for respondent No.1.

PANKAJ JAIN, J.(ORAL)

1 Appeal is against the order passed by the Commissioner under the Workmen's Compensation Act, 1923 (for short 'the Act').

2 Claim was filed on account of death of Ranjeet Singh who was working as Labour for a remuneration of Rs.75/- per day. On 04.04.2000 i.e. the fateful day the deceased died of Electrocution while discharging his duties climbing on the pole.

3 Claimant seeks enhancement of compensation. While awarding compensation the Commissioner ordered as under :-

"I hereby order the respondent No.3 to deposit the following amount alongwith interest @ 9% p.a. from the date 4.5.2000 upto the date of this order because the respondents failed to comply U/S 3 of the said Act. Where as accident was in their knowledge and it was their statutory liability to deposit the compensation amount in


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the court in due course under the said Act which is so order on issue No.3 & 4.

I therefore directed the respondent No.3 to deposit the following amount -

<i>Compensation:</i>	<i>Rs. 2,51,877-00</i>
<i>Interest:</i>	<i>Rs. 1,09,565-00</i>
<i>Expenses:</i>	<i>Rs. 2,000-00</i>
<i>Total:</i>	<i>Rs. 3,63,442-00</i>

In this court and the respondent No.3 is at liberty to recover the said amount from the respondent No.1 as per terms & condition of the execution and in view of the above discussion, the respondent No.2 is not liable to any liability about the said accident and his application dated 13.2.2004 is hereby decided accordingly. ”

4 In view of the statutory mandate the interest has to be awarded @12% per annum from the date i.e. 04.05.2000. The Commissioner erred in awarding interest @ 9% per annum. The same is enhanced to 12%. Nothing has been paid *qua* penalty as contemplated under Section 4(A) (iii) of the Act.

5 The claimant is further awarded penalty to the extent of 50% of the compensation amount i.e. Rs.2,51,877/-. The penalty shall also carry an interest @9% per annum payable for the period commencing from 04.05.2000 till the date of actual realization.

6 Impugned order stands modified accordingly.

7 Disposed off.

13.11.2024
Pooja Sharma-I

Whether speaking/reasoned:
Whether reportable:

(PANKAJ JAIN)
JUDGE

Yes/No
Yes/No