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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 199/2022**

SAROJ KATARIA & ANR.

.....Appellants

Through: **Mr. S.N. Parashar, Advocate.**

versus

ANAND KUMAR & ORS.

.....Respondents

Through: **Mr. Gaurav Nair and Ms. Veera Mathai, Advocates for R3.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

28.11.2024

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1. An Appeal under Section 173 of the Motor Vehicle Act, 1988 ('M.V. Act' *hereinafter*) has been filed on behalf of the Appellants/Claimants seeking enhancement of compensation granted *vide* Award dated 08.11.2021 in the sum of Rs.27,00,000/- along with interest @9% p.a., on account of demise of Mr. Manjit Singh Kataria, aged 28 years.
2. The *only ground of challenge* is that the deceased had been granted an annual increment of 2,200/- per month, which is reflected in the Letter dated 25.06.2013 of the Company. Reference is also made to the Remuneration Package Detail to submit that the Annual Salary comes to Rs.2,16,946/- after adding the incentive amount. It is submitted that the Annual Incentive has not been included in the annual salary of the deceased and the same may be re-calculated.
3. *Learned counsel on behalf of the Insurance Company* has submitted that in the Annual Remuneration Package, Rs.14,146/- has been indicated as



‘Performance Achievement Linked Incentive’. However, it has been clarified that it is payable annually; the mentioned amount is payable on achievement of 100% of KRAs/KPIs; and the payment is payable only if the employee would be on the rolls of the Company as on 30.06.2014 and is at the discretion of the Management.

4. It is submitted that unfortunately, Mr. Manjit Singh Kataria died on 17.03.2014. The incentive, therefore, was not payable to the deceased. The salary has been rightly calculated and the Award does not merit in interference.

5. **Submissions heard.**

6. The perusal of the Letter dated 25.06.2013, issued on behalf of the Company reflects that *“in recognition of the efforts put in by you in the financial year (FY) 2012-13, the Management is pleased to award you a sum of Rs.2200/- PM as your Performance Increment in your CTC w.e.f 01.04.2013.”*

7. The Remuneration Package Detail w.e.f. 01.04.2013 also indicates a Performance Achievement Linked Incentive of Rs.14,146/-. It is evident from these documents that it is an incentive and not a component of the monthly salary. The incentives are in recognition of the extra work or the good work done by employee in the Company.

8. It is also pertinent to refer to the Salary Slips of the deceased for the month of December, 2013, January 2014 and February, 2014, which reflect his salary as Rs.15,050/- per month.

9. The learned Tribunal has rightly calculated the salary of the deceased as Rs.2,02,800/- p.a.

10. No interference in the impugned Award 08.11.2021 is warranted. The



Appeal is accordingly dismissed.

11. The Appeal is disposed of accordingly.

NEENA BANSAL KRISHNA, J

NOVEMBER 28, 2024/RS