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

COCP-1647-2025
Date of decision : 22.04.2025

Karan

... Petitioner

Versus

A.K. Meena and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sunil K. Tandon, Advocate
for the petitioner.

Mr.Jagdish Manchanda, Addl.A.G. Haryana and
Mrs.Vasundhra Asija Bhandari, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

1. On 08.04.2025, this Court was pleased to pass the following order:-

> *"Learned counsel appearing for the respondents have submitted that in compliance to the order dated 18.10.2024 passed by the Coordinate Bench of this Court, the Executive Engineer, Sub-Urban Divn. No.2, UHBVN, Rohtak had passed the following order on 03.04.2025:-*
>
> > *"The Hon'ble High Court of Punjab and Haryana vide order dated 18.10.2024 in CWP No. 27965 of 2024 titled as Karan V/s UHBVN had disposed of the matter. However, despite communication to attend the office, the petitioner has not attended the office therefore on the basis of the material available and in view of the representation filed by the petitioner, the claim of the*

petitioner has been duly considered and further the admissible balance compensation payments have been disbursed to the petitioner vide cheque no. 25868 dated 07.03.2025 for the tune to the amount of Rs. 13,64,050/-.

The deceased person Sh. Ramashish was an employee of contractual firm M/s Jind Infotech Jind and Sh. Ram Karan @ Karan, the petitioner and father of the deceased, has given his statement in written that the family of deceased has already received Rs. 3,50,000/- from the contractual firm M/s Jind Infotech Jind. Thus admissible compensation amounting Rs. 3,50,000 + 13,64,050 = 17,14,050/- stands paid to the family of deceased. Further, a sum amounting Rs.3,42,806/- as interest @ 6% on delayed payment vide Cheque No. 25924 Dated 03.04.2025, is also paid to the deceased family.

In view of above, the grouse of the petitioner has been duly addressed.

Executive Engineer
Sub-Urban Divn.No. 2,
UHBVN, Rohtak."

Learned counsel for the petitioner has submitted that as per the said order, the amount has been released by giving interest at the rate of 6% on delayed payment which is against settled provision of law, inasmuch as, as per Section 4A of the Employee's Compensation Act, 1923, interest payable is at the rate of 12% per annum or such higher rate not exceeding the maximum of the lending rates of any scheduled bank as specified by the Central Government by notification in the Official Gazette on the amount due. Section 4A which has been highlighted is reproduced hereinbelow:-

"[4A. Compensation to be paid when due and penalty for default.--(1) Compensation under section 4 shall be paid

as soon as it falls due.

(2) In cases where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accepts, and, such payment shall be deposited with the Commissioner or made to the [employee], as the case may be, without prejudice to the right of the [employee] to make any further claim.

(3) Where any employer is in default in paying the compensation due under this Act within one month from the date it fell due, the Commissioner shall-

(a) direct that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent. per annum or at such higher, rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government by notification in the Official Gazette, on the amount due; and

(b) if, in his opinion, there is no justification for the delay, direct that the employer shall, in addition to the amount of the arrears and interest thereon, pay a further sum not exceeding fifty per cent. of such amount by way of penalty:

Provided that an order for the payment of penalty shall not be passed under clause (b) without giving a reasonable opportunity to the employer to show cause why it should not be passed.

Explanation.--For the purposes of this sub-section, "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934."

It is further submitted that the petitioner would also be entitled to penalty in the present case but in case interest at the rate of 12% on the delayed payment is released to the *petitioner, then the petitioner would not press for payment of penalty.*

It could not be disputed that the provision of Section 4A provides for a minimum simple interest of 12% and accordingly, the respondents are directed to calculate the amount at the rate of 12% interest per annum and release the same on or before the next date of hearing and also submit the compliance report.

Adjourned to 22.04.2025.

To be shown in the urgent list.

April 08, 2025"

2. Learned counsel for the respondents has submitted that there is due compliance of the order dated 08.04.2025 and in support of the same, they have submitted the compliance report dated 15.04.2025 with an advance copy to learned counsel for the petitioner.

3. Learned counsel for the petitioner has submitted that in view of the same, the present petition be disposed of as having been rendered infructuous.

4. In view of the above, the present petition is disposed of as having been rendered infructuous.

(VIKAS BAHL)
JUDGE

April 22, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No