



FAO-2769-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

114

FAO-2769-2023

Date of decision :20.08.2025

SHAMSHAD AND OTHERS

... APPELLANTS

VERSUS

MANNAN AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ashish Gupta, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

The main argument for claim of enhancement raised on behalf of claimants is that learned Tribunal has erred in taking minimum wages as income of the deceased. It is asserted that deceased was working as a helper on a heavy vehicle and, therefore, he was entitled to DC rates and his minimum income ought to have been Rs. 9,909/-.

2. Learned counsel for the appellants has made reference to judgment titled as ***Ram General Insurance Company Ltd. and others Vs. Beant Kaur and others, 2019(3) SCT 684***, in support of his arguments. The purpose of DC rates and minimum wages prescribed by Government are not in dispute. The minimum wages are prescribed by State Government, keeping in view the fact that a worker must get that amount for his labour irrespective of demand and supply of the work force. This places a statutory bar on employers. Whereas DC rates are made applicable to employment offered by the Government on contractual or daily wages. Employment under State is different from employment under private sector. State being welfare state having better resources pay him/her minimum



wages. DC rates are for employment under State. Both cannot be equated, therefore, the minimum wages i.e. DC rates prescribed by Government in case of employment with the Government cannot be made applicable to the private sector. In the present case, perusal of judgment of Tribunal goes to show that no evidence has been led by appellants to prove that deceased was working as a helper, by leading any substantive evidence i.e. of employer of deceased or his colleagues. Except for oral assertions that deceased was working as a helper there is no evidence. Deceased was working with private employer who was also not examined.

3. In these circumstances, no benefit shall accrue to appellants from the judgment cited by him. Learned Tribunal has rightly taken income of deceased equivalent to minimum wages payable to unskilled worker. Even if, assertions of appellants are taken to be correct that deceased was working as a helper, even then he has to be treated as an unskilled worker being helper and, therefore, learned Tribunal has correctly applied minimum wages and has calculated the compensation. No other argument raised. Appeal is without merit, hence dismissed.

20.08.2025
manoj

(PARMOD GOYAL)
JUDGE

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