



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

FAO-2759-2023 (Q&M)

Date of decision : 16.07.2025

SMT SUNNATEE AND OTIERS

...Appellants

Versus

DELHI GUJARATI LLET CARRIERS PVT. LTD. AND OTIERS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Shivam Sharma, Advocate
for the appellants.

PANKAJ JAIN, J. (ORAL)

CM-9911-CII-2023

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 169 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 169 days in filing the instant appeal is hereby condoned.

FAO-2759-2023

Present appeal is directed against order passed by the Commissioner, Gurugram under the Employee's Compensation Act, 1923 (hereinafter referred to as 'the 1923 Act').

2. The claim application stands allowed. W.r.t. penalty, show cause notice has been issued to the employer.
3. The only argument raised by counsel for the appellant is regarding monthly wages of the deceased. The same has been taken as Rs.8,000/- in terms of the Notification issued by Central Government under Section 4(1B) of the 1923 Act. Counsel submits that the deceased was earning Rs.20,000/- per month. However, he does not dispute that there is no documentary evidence produced on record to prove the same.
4. In terms of Section 4(1B) of 1923 Act, the Central Government by way of Notification dated 31.05.2010 notified Rs.8,000/- monthly wages for the purpose of Section 4(1). The Commissioner in the absence of any evidence rightly relied upon the same.
5. As per settled law, notified monthly wages under Section 4(1B) by the Central Govt. on the date of accident can be relied upon to compute compensation payable under Section 4(1). Date of accident in the present case is 17.12.2019. The same is governed by Notification dated 31.05.2010 as the revised notification was issued on 03.01.2020.
6. In view thereof, this Court finds that no fault can be found with the order passed by the Commissioner. Resultantly, the instant appeal is ordered to be dismissed.

July 16, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No