



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

Date of decision : 10.12.2025

1. FAO-2031-2013

Vipin Garg and others

..... Appellants

versus

Ram Kumar and others

..... Respondents

2. FAO-3089-2013 (O&M)

Ram Kumar

..... Appellant

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Naveen Gupta, Advocate
for the appellant in FAO-3089-2013 and
for respondent No.1 in FAO-2031-2013.

Mr. Anil Chawla, Advocate
for respondents No.1 and 2 in FAO-3089-2013 and
for respondents No.2 and 3 in FAO-2031-2013.

Mr. Mayank Mathur, Advocate
for the respondent-insurance company in both cases.

PANKAJ JAIN, J. (Oral)

1. These are cross appeals directed against order dated 30.08.2012 passed by Commissioner under the Employee's Compensation Act, 1923.

2. The *lis* relates to injury suffered by claimant-Ram Kumar employed as an electrician by respondent No.1 and 2, through respondent No. 3 to 5 who are the contractors. The appellant-claimant



suffered injury in an accident arising out of and during the course of employment in which he lost both his arms.

3. Facts are not much in dispute. The claimant is in appeal, i.e. FAO No.3089 of 2013 aggrieved of the order passed by the Commissioner to the extent that he relied upon minimum wages notified by State of Haryana and assessed the monthly wages of the claimant as Rs.3914/- ignoring the minimum wages notified by Central Government under Section 4(1B) of 1923 Act, which on the date of accident were Rs.4000/- per month. Further grievance is that even though the appellant-claimant proved medical expenses of Rs.96,875/-, yet the same has not been awarded by the Commissioner.

4. Contractor is in FAO No.2031 of 2013 aggrieved of observations made by the Commissioner absolving the liability of the insurer to pay statutory interest as provided under Section 4A of 1923 Act.

5. After hearing counsel for the parties, this Court is of the considered opinion that the order passed by the Commissioner needs to be modified to the following effect:-

(i) Since the claimant has proved medical expenses of Rs. 96,875/- by examining Dr. Kulbhushan Gupta as AW2, the claimant is held entitled to Rs. 1 lakh on account of medical expenses.

(ii) In view of the mandate of Section 4 and the notification dated 31.05.2010 issued by Central Government under Section 4(1B) of 1923 Act, the compensation has to be computed taking monthly salary of the claimant as Rs.4000/- and not Rs.3914/-. Accordingly, the compensation payable is as under:-

$$181.37 \times 4000 \times 60/100 = 4,35,288/-$$



(iii) Keeping in view the ratio of law laid down by Supreme Court in the case of *Ved Prakash Garg vs. Prem Devi* reported as *1997 AIR (SC) 3854*, the interest on the compensation @ 12% per annum for the period commencing from one month after the date of accident till the date of actual realization has to be borne by insurance company.

(iv) The claimant is also entitled for penalty which shall be 50% of the compensation awarded hereinabove. The same shall also carry interest @ 7% per annum for the same period, i.e. for the period commencing from 30 days after the date of accident till the date of actual realization. The penalty along with interest shall be paid to the victim by respondent No.1, i.e. principal employer, who shall be further entitled to recover the same from the contractor in terms of Section 12 of 1923 Act.

- 6. In view of above the appeals are disposed of.
- 7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.
- 8. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

10.12.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No