



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

224

FAO-4016-2016 (O&M)
Date of decision : 27.08.2025

Ganga Devi

..... Appellant

versus

The Hafed Sugar Mill Phafdana and another **..... Respondents**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nitin Sharma, Advocate
for the appellant.

Mr. R.K. Doon, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

CM-13795-CII-2016

This is an application for condonation of delay of 112 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 112 days in filing the appeal stands condoned.

Main case

1. The claimant is in appeal seeking enhancement of the compensation awarded by Commissioner under the Employee's Compensation Act 1923, on account of death of her son namely Sunil, who died in an accident arising out of and during the course of employment on 29.07.2010. The Commissioner while awarding compensation observed as under:-

“The applicant has stated the age of the deceased as 19 years. On the PMR Ex. C-6 age of the deceased is also



written about 19 years. Therefore, the age 19 years as written on the PMR, being un-rebutted is hereby taken as correct and considered for the purpose of calculation. The applicant earning Rs. has stated that deceased 3,500/- per month. The respondent could not rebut the wage rate of the deceased, thus, Rs. was as by the correct and 3,500/- as stated wages applicant is hereby taken the same is considered for the purpose of calculation.

On the strength of these facts i.e. age 19 years and wages Rs.3500/- and taking into consideration the relevant factor at the age wages, of 19 years and taking 50% amount of of compensation payable to the dependent of the deceased comes to Rs. 3,44,855/- ($197.06 \times 3500 \times 50\%$) which is awarded in favour of the applicant. liability to The pay compensation is hereby fastened upon the respondent no.1.

The amount of compensation was due to applicant. The respondent No.1 has not cared about the even payment after filing of the of compensation present claim petition and the respondent No.1 has made default in paying compensation the respondent The Act. No.1 due under has due knowledge of the claim from the date of its the applicant is also filing. Therefore, entitled for the simple interest at the rate of 12% per annum on the amount awarded above Rs.3,44,855/- for fixed period of 4 years which comes Liability to pay to Rs. interest 1,86,222/-. is hereby fastened upon the respondent No.1. There is no order for any penalty.”

2. The wages of Rs.3,500/- per month are below the wages notified by Central Government under section 4(1)(b), which for the relevant period are Rs.8,000/- in terms of notification dated 31.05.2010. Accordingly, the compensation payable to the claimant shall be **$\text{Rs.8,000} \times 1/2 \times 197.06 = 7,88,240/-$.**

3. In terms of section 4A, the claimant is entitled for interest @ 12% per annum for the period commencing from 30 days after the accident till the date of actual payment. No reason has been assigned to deny penalty. The claimant is also awarded penalty, i.e. 50% of the



amount of compensation as calculated therein above. The claimant shall also be entitled for interest @ 6% per annum from the date of award till the date of actual realization.

4. With the aforesaid modification in the award, the appeal is disposed off.

(PANKAJ JAIN)
JUDGE

27.08.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No