IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

FAO-7297-2015
Date of decision : 12.11.2025

Angrej Kaur **...... Appellant**

versus

Kanta Rani and another **...... Respondents**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kunal Phogat, Advocate
for the appellant.

Mr. D.K. Dogra, Advocate for
Mr. Inderjit Sharma, Advocate
for respondent No.2.

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PANKAJ JAIN, J. (Oral)

1. Claimant is in appeal.

2. Challenge is to the order dated 30.06.2015 passed by the Commissioner under Employee's Compensation Act, 1923.

3. Counsel for the appellant has raised threefold submissions. He contends that the Commissioner has taken minimum wages notified by State Government while assessing the compensation instead of wages notified by Central Government under section 4(1B) of 1923 Act. It has been contended that the statutory interest of 12% under section 4A of the Act was to be paid from 30 days after the amount became due, whereas the same has been awarded from the date of application. He further contends that that no penalty has been awarded.

4. Counsel for the insurance company does not dispute that in terms of the notification issued by Central Government under Section 4(1B) for the relevant date, the monthly wages notified are Rs.4000/-. He however, joins issue regarding statutory interest as payable under Section 4A of 1923 Act. It has been contended that the accident is dated 26.08.2003. The application was filed on 17.04.2013, i.e. after inordinate delay of almost 10 years. For the delay in filing the appeal, the insurance company cannot be saddled with the statutory interest. It has been further contended that so far as the penalty is concerned, though the Commissioner has not awarded the same, but the liability qua the same has to be saddled on the employer and not on the insurance company.

5. I have heard counsel for the parties and have carefully gone through the records of the case.

6. There being no dispute with respect to the proposition that the Commissioner ought to have taken the modified wages for computation of compensation, the compensation awarded by the Commissioner is ordered to be modified as under:-

Rs. 4000x50/100x215.28 = Rs.4,30,560/-

7. The statutory interest granted by the Commissioner is modified and the insurance company is held liable to pay the same for a period of three years prior to the date of filing of the application, i.e. from 17.04.2013 till the date of actualization. The penalty of 25% of the compensation amount is awarded in favour of the claimant. The same has to be however recovered from owner and not from the

insurance company.

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

(PANKAJ JAIN)
JUDGE

12.11.2025
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No