



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

125

**FAO-6432-2017 (O&M)
Date of decision : 25.03.2025**

Krishna Devi and others**..... Appellants**

versus

Dharambir and another**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sumit Sangwan, Advocate
for the appellants.

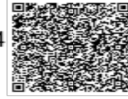
Mr. Abhimanyu Batra, Advocate
for the respondent-Insurance Co. (through V.C.).

PANKAJ JAIN, J. (Oral)

1. Challenge is to the order dated 28.09.2016 passed by Commissioner, Circle-I, Sonapat exercising power under the Employee's Compensation Act, 1923.
2. Claimants are in appeal seeking enhancement of the amount of compensation.
3. Counsel for the appellants has drawn attention of this Court to relevant observations made by Commissioner while computing the amount of compensation which reads as under:-

“xx xx xx

Thus, I have no hesitation to hold that the death of deceased Satbir Singh due to heart attack was an 'accident' which caused during and out of the course of his employment while working as driver on the truck No. HR-69-A-2682 owned by respondent No.1 and insured by respondent No.2 as such, the applicants being the dependents of the deceased are entitled for the amount of compensation as per provisions of the Act.

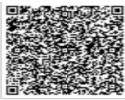


The applicants have stated the age of deceased Satbir Singh as 40 years of age and on the PMR exhibit Aw-1/1, the age of the deceased is also written as 40 years. Therefore, the age 40 years is hereby taken as correct and considered for the purpose of calculation. The applicants have claimed that the deceased was drawing salary Rs.15000/- per month. The respondent No. 1 has stated that salary of the deceased was Rs.7000/- per month. The applicants have failed to prove the salary of deceased. As such minimum wages for skilled category A' for the relevant time i.e. Rs.6,030/- is hereby taken as wages of the deceased and the same is considered for the purpose of calculation.

On the strength of these facts i.e. age 40 years and wages Rs.6,030/- and taking into consideration the relevant factor at the age of 40 years of the deceased and taking 50% of admissible wages, the amount of compensation payable to the dependents of the deceased comes to Rs.5,55,273/- which is awarded in favour of the applicants.

The fact that the vehicle truck bearing No. HR-69-A-2682 was used by the respondent No.1 for his purposes and the insurance company has duly insured the truck vide insurance policy as exhibit as Aw-1/5 and received the premium, thus, liability to pay compensation is hereby fastened upon the respondent No.2.

The amount of compensation was due to the applicants and the respondent No.2 has not cared about the payment of compensation to the applicants even after filing of the present claim petition. The respondents have made default in paying compensation due under the Act, within one month from the date of accident, therefore, the applicants are also entitled for the simple interest at the rate of 12% per annum, on the amount awarded above only for a fixed period of one year. Therefore, the applicants are entitled for the interest on the aforesaid awarded amount Rs.5,55,273/- at the rate of 12% per annum for one year which comes to Rs.66,632/- and the same is awarded in favour of the applicants. The liability to pay interest is hereby fastened upon the insurance company i.e. upon respondent No.2, however, there is no liability towards penalty.”



4. He submits that the Commissioner erred in being guided by the minimum wages as notified under the Minimum Wages Act, 1948 by State of Haryana, whereas under section 4(1)(B), the amount of compensation was to be computed taking into consideration notification issued by Central Government in the official gazette for the purpose of sub-section (1) of Section 4.
5. Date of accident is 14.11.2014. For the relevant date, notification dated 31.05.2010, notified wages were Rs.8,000/-. Resultantly, the amount of compensation payable to the claimants shall be $Rs.8,000 \times 50\% \times 184.17 = 7,36,680/-$.
6. Even the interest has been wrongly awarded merely for one year. In terms of Section 4A of 1923 Act, the same needs to be awarded 30 days after the date it fall due i.e. date of accident i.e. 14.12.2014 till the date of actual realization alongwith interest @ 12% per annum.
7. With the aforesaid modification in the impugned order, the present appeal is disposed off.
8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

25.03.2025

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Whether speaking/reasoned :	Yes
Whether Reportable :	No