

FAO-15968-2018 (O&M)

2025 PIIIC 158152



275

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

**CM-28529-CII-2018 in/and
FAO-15968-2018 (O&M)
Decided on : 10.11.2025**

Smt. Sharmila

....Appellant

Versus

State of Haryana & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. B.K.Bagri, Advocate
for the appellant.

Mr. Paramjeet Singh, DAG, Haryana.

Ms. Ambika Sood, Advocate and
Mr. Aditya Sharda, Advocate
for respondents No.2 to 4.

PANKAJ JAIN, J. (ORAL)

CM-28529-CII-2018

This is an application seeking condonation of delay of 290 days
in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied
that the applicant-appellant has shown sufficient cause to condone the delay
in filing the appeal.

Application is allowed. Delay of 290 days in filing the appeal is
condoned.



Main case

1 Claimant is in appeal seeking enhancement of compensation.

2 Appellant filed claim petition under the Employee’s Compensation Act, 1923 (for short, ‘the 1923 Act) seeking compensation on account of death of her son Deepak who died at the age of 21 years in an accident arising out of and during the course of employment. He was employed for the installation of electricity meters through a contractor hired by DHBVNL.

3 It stands proved on record that the deceased died of electrocution.

4 Commissioner followed structured formula as provided under the 1923 Act and awarded compensation as under :-

<i>Compensation</i>	:	<i>Rs.890840/-</i>
<i>Interest</i>	:	<i>Rs.383061/-</i>
<i>Funeral Expenses</i>	:	<i>Rs.5000/-</i>
<i>Total</i>	:	<i>Rs.1278901/- (Rupees Twelve Lac Seventy Eight Thousand, Nine Hundred and one only)</i>

5 Evidently, though interest on the compensation has been paid, nothing has been paid on account of the penalty provided under Section 4A of the 1923 Act. The appellant is thus held entitled to penalty i.e. 50% of the compensation amount which comes to Rs. **4,45,420/-**. The penalty shall also carry interest @ 9% per annum for the time period commencing from 30 days after the date of accident i.e. 30 days after 28.10.2013 till the date of actual realization.



6 In terms of Section 12 of the 1923 Act, the enhanced amount on account of penalty shall be paid by respondents No.2 to 4, who shall be entitled to recover the same from the Contractor.

7 Appeal stands disposed off.

8 Pending miscellaneous application, if any, also stands disposed off.

10.11.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No