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

FAO-3738-2001

Date of decision : 17.03.2026

NISHA DEVI ETC.

....Appellants

Versus

ISHAM SINGH ETC.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: None for the appellants.

Mr. Tarun Jindal, Advocate and
Mr. Harsh Aggarwal, Advocate
for the respondent No.2.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal seeking enhancement of compensation by way of modification in the impugned order dated 19.02.2001 passed by Commissioner under the Workmen's Compensation Act, 1923 (now known as the Employee's Compensation Act, 1923 and hereinafter referred to as the 1923 Act).

2 The claim petition relates to death of Ramesh Kumar, who was employed as cleaner-cum-second driver with respondent No.1 and lost his life while on duty on 25.08.1999.

2.3. As per the claimants, the deceased was paid Rs.2,500/- per month by the employer along with other perks. There being no documentary evidence to prove the same, the Commissioner relied on the minimum



notified wages by the State on the date of accident under the Minimum Wages Act, 1948 (hereinafter referred to as '1948 Act') and assessed the income of the deceased as Rs.1,814/- per month and awarded compensation accordingly. While granting interest Commissioner awarded interest @ 12% per annum for the period commencing from date of filing of claim petition till the date of award and further 12% future interest after 30 days time period from the date of award.

3. Having heard counsel for the respondent and after carefully perusing the records of the case, this Court finds that the Commissioner erred in relying upon the minimum wages notified by the State under 1948 Act ignoring the mandate of Section 4 of 1923 Act which was in vogue on the date of accident. Section 4 as was in operation on the date of accidents reads as under:

“4. Amount of compensation.-(1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:-

<i>(a) where death results from the injury</i>	<i>an amount equal to [fifty per cent.] of the monthly wages of the deceased workman multiplied by the relevant factor;</i>
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or

an amount of [fifty thousand rupees], whichever is more;

<i>(b) where permanent total disablement results from the injury</i>	<i>an amount equal to [sixty per cent] of the monthly wages of the injured workman multiplied by the relevant factor;</i>
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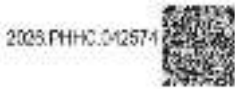
*an amount of [sixty thousand rupees],
whichever is more;*

Explanation II.- Where the monthly wages of a workman exceed [two thousand rupees], his monthly wages for the purposes of Clause (a) and clause (b) shall be deemed to be [two thousand rupees] only,

xxxxx”

$$203.85 \times \text{Rs.}2,000/- \times 50/100 = \text{Rs.}2,03,850/-$$

DEEPAK KUMAR
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integrity of this document



of Section 4A of 1923 Act, for the period commencing from 30 days after the date of accident i.e., 30 days after 25.08.1999 till the date of actual realization.

- 6. Needless to say anything already paid shall be set off and adjusted.
- 7. With the aforesaid modification, the appeal is disposed off.
- 8. Pending application, if any, shall also stand disposed off.

March 17, 2026					(Pankaj Jain)
Dpr					Judge
	Whether speaking/reasoned	:		Yes/No	
	Whether reportable	:		Yes/No	