



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

FAO-4011-2019 (O&M)

Date of decision : 18.02.2025

SUMAN KUMARI AND OTHERS

...Appellants

Versus

UNION OF INDIA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Upender Prasher, Advocate for the appellant.

PANKAJ JAIN, J. (ORAL)

CM-13353-CII-2019

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 4 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicants/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 4 days in filing the instant appeal is hereby condoned.

FAO-4011-2019

Claimants are in appeal.

2. The issue raised is w.r.t. quantification of compensation as per the amendment which came into vogue during the period the application seeking compensation was pending before the Commissioner

3. The issue is no more *res-integra* and has been answered by Supreme Court in the case of '**K. Sivaraman & Ors. vs. P. Sathishkumar and anr.**' (2020) 4 SCC 594, observing as under:

“32. It is pertinent to note that no similar position of law for the determination of the higher amount of compensation payable was adopted under the 1923 Act by this Court in Pratap Narain Singh and Valsala. This Court, being a Bench of two judges, is bound by the categorical position of law laid down in Pratap Narain Singh and Valsala, both being judgments rendered by larger Benches of this Court. Consequently, we hold that the relevant date for the determination of compensation payable is the date of the accident and the benefit of Act 45 of 2009 does not apply to accidents that took place prior to its coming into force.

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34. Though the accident took place in 2008, the appeal is being decided over 12 years later. We take note of the fact that following the order of remand by the High Court, the employer deposed as PW2 and stated that the deceased had worked in his establishment for about three years. The employer duly proved Exhibit P5 in the course of his evidence which was the monthly pay certificate indicating that the deceased was drawing a monthly wage of L 32,000, including expenses towards food. Significantly, no appeal was filed by the respondents against the judgment of the High Court enhancing the compensation. In this view of the matter, we are not inclined to interfere with the award of compensation ordered by the High Court in exercise of the inherent jurisdiction of this Court to do complete justice under Article 142 of the Constitution. Having clarified the law as noted above, the appeal shall stand dismissed.

4. In view of settled proposition of law, the compensation under Employee's Compensation Act, 1923 has to be awarded as per the provisions in vogue on the date of accident. This is precisely what the Commissioner has ordered.

5. In view of above, finding no merit in the instant appeal, the same is ordered to be dismissed.

February 18, 2026

Dpr

**(Pankaj Jain)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No