

FAO-7132-2017 (O&M)

2026:PHHC:048113



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

FAO-7132-2017 (O&M)

Date of decision : 05.03.2026

Krishan Chander

....Appellant

Versus

Neeraj Kumar & anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Ashok Kumar Sharma, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.2-Ins. Co.

PANKAJ JAIN, J.(ORAL)

CM-22840-CII-2017

This is an application seeking condonation of delay of 126 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 126 days in filing the appeal is
condoned.

Main case

1 Present appeal is directed against the order dated 26.08.2016
passed by Commissioner under the Employee's Compensation Act, 1923 (for
short, 'the 1923 Act').



2 Claimant is in appeal seeking enhancement of compensation awarded by Commissioner under the 1923 Act. Claimant is father of deceased-Sandeep. As per the claimant, deceased-Sandeep was employed with respondent No.1 as a Driver on a monthly salary of Rs. 9,000/-. On 15.05.2011, the vehicle owned by respondent No. 1 and driven by Sandeep met with an accident, and Sandeep lost his life.

3 The Commissioner held that deceased-Sandeep died in an accident arising out of and during the course of employment and awarded a compensation of Rs.5,38,108/- along with other statutory benefits like interest, funeral expenses and medical expenses.

4 Counsel for the claimant has drawn attention of this Court to the discussion made in para 14 of the impugned order wherein the salary of the deceased has been taken to be Rs.4,893/- relying upon the minimum wages notified by State of Haryana. He submits that the wages have to be taken as notified by Central Government under Section 4 (1B) of the 1923 Act.

5 Having heard learned counsel for the parties and after carefully perusing the records of the case, this Court finds that the Commissioner erred in relying upon the notification issued by State Government under Minimum Wages Act, 1948. In terms of the mandate of Section 4 (1B) of the 1923 Act, the Commissioner was required to assess compensation taking into consideration notification issued by Central Government. Date of accident is 15.05.2011. Vide notification dated 31.05.2010, Central Government notified the monthly wages for the purpose of computing compensation under Section 4 of the 1923 Act to be Rs. 8,000/-.



6 In view thereof, the compensation needs to be modified.
Keeping in view that the age of the deceased at the time of death was 23 years,
the compensation payable to the claimants shall be as under :-

219.95 x 8000 x 50/100 = 8,79,800/-

(Death case)

7 Rest of the award is maintained.

8 With the aforesaid observations, the order passed by the
Commissioner is modified.

9 Appeal stands disposed off.

05.03.2026
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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