



270

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

FAO-488-2018

Date of decision : 16.02.2026

BALJINDER KAUR AND ORS

....Appellants

Versus

DALWINDER SINGH AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Nitin Jain, Advocate,
Mr. Parv Ahluwalia, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for the respondent/Insurance Co.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal aggrieved of the order passed by the Commissioner under the Employee's Compensation Act, 1923 (hereinafter referred to as '1923 Act'), dated 29.06.2017.

2. The claim relates to compensation payable under 1923 Act on account of death of Jai Singh, who died while employed as a driver with respondent No.1 in an accident arising out of and during the course of employment on 11.04.2013.

3. The primary issue raised by counsel for the appellants is w.r.t. compensation assessed by the Commissioner taking income of the deceased



as Rs.5,732/- per month relying upon the minimum wages notified by State for skilled category workers.

4. In the considered opinion of this Court, the Commissioner erred in relying upon the Notification issued by the State Government under the Minimum Wages Act ignoring the Notification issued by Central Government under Section 4(1B) of 1923 Act. For the relevant period, Central Government notified the wages for the purpose of computing compensation under Section 4 of the 1923, as Rs.8,000/- per month.

5. In view thereof, the compensation is re-worked as under:

$$178.49 \times \text{Rs.}8,000/- \times 50/100 = \text{Rs.}7,13,960/-$$

6. The claimants shall also be entitled for interest @ 12% per annum in terms of the provisions as contained under Section 4A of the Act for the period commencing from 30 days after the accident i.e., 30 days after 11.04.2013, till the date of actual realization.

7. The claimants are also held entitled to penalty which shall be 50% of the compensation computed by this Court herein-above. The penalty amount shall bear interest @ 7% from the date of passing of the award till the date of actual realization.

8. The penalty amount shall be paid by the employer in terms of the ratio of law laid down by Supreme Court in the case of **Ved Parkash Garg vs. Premi Devi (1997) 8 SCC 1**.



10. With the aforesaid modification in the impugned award, the present appeal is disposed off.

(Pankaj Jain)

Judge

Whether reportable : Yes/No