
(2003) 02 AHC CK 0129
In the Allahabad High Court
Case No : F.A.F.O. No. 874 of 2003

Divisional Manager, United India Insurance Co. Ltd.	APPELLANT
Vs	
Reshma Khatoon and Others	RESPONDENT

Date of Decision : 28-02-2003

Acts Referred:

Workmens Compensation Act, 1923 — Section 30, 4A(3)

Citation : (2004) 1 ACC 388 : (2003) 5 AWC 3509 : (2003) 97 FLR 854 : (2003) 2 LLJ 1022 : (2003) 2 UPLBEC 1145

Hon'ble Judges : S.P. Srivastava, J;M.P. Singh, J

Bench : Division Bench

Advocate : S.K. Mehrotra, for the Appellant;

Final Decision : Dismissed

Judgement

S.P. Srivastava and M.P. Singh, JJ.—Heard the learned counsel for the appellant. The insurer-appellant feels aggrieved by the award of an amount of Rs. 3,63,877.50 as compensation to the claimants by the Workmen's Compensation Commissioner on account of the untimely death of deceased Nazakat in the course of employment as a driver of a Truck.

2. The Workmen's Compensation Commissioner after carefully considering the evidence and the materials as brought on record had come to the conclusion that at the time of death Nazakat was aged about 30 years and was getting a salary of Rs. 3,500/- per month. The owner of the offending motor vehicle had been examined in this case who had certified that the deceased was being paid an amount of Rs. 3500/- per month towards his salary.

3. Learned counsel for the appellant has tried to assail the findings of the Tribunal returned on the question of the income of the deceased. The Commissioner has also returned a finding that the deceased was not an unskilled workman but was a driver who falls within the category of a skilled workman. The findings on the question of age as well as the income are based on

appreciation of evidence. The findings are amply supported by the evidence and the materials brought on record.

4. The present appeal has been filed u/s 30 of the Workmen's Compensation Act, 1923. In the present case taking into consideration the facts and circumstances as brought on record, the findings returned by the Workmen's Compensation Commissioner cannot be taken to be vitiated in law on account of any such legal infirmity which may justify an interference by this Court in the present proceeding u/s 30 of the Workmen's Compensation Act.

5. No question of law much less a substantial question of Law arises in the appeal for consideration of this Court. Learned counsel for the appellant has urged that the rate of interest awarded by the Workmen's Compensation Commissioner is excessive. It may be noticed that the Commissioner has awarded 12% per annum simple interest on the amount determined as just compensation.

6. It may further be noticed that the provisions of Section 4A(3) of Workmen's Compensation Act, 1923, which was brought into effect from September 15, 1995, clearly stipulate the payment of simple interest at the rate of 12% per annum or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government, by notification in the official Gazette, on the amount due.

7. A perusal of the aforesaid provision indicates that in any view of the matter it has to be ensured that a minimum of 12% per annum simple interest is paid on the amount determined as just compensation in case of default of payment within one month from the date it fell due.

8. In view of the statutory provision fixing the minimum rate of interest payable, the impugned award granting simple interest at the rate of 12% per annum by the Commissioner concerned cannot be held to be not sustainable in law. The submission in this regard is not at all acceptable.

9. Taking into consideration the totality of the circumstances as brought on record, this appeal is totally devoid of merits, which deserves to be and is hereby dismissed in limine.