
(2007) 04 SHI CK 0002
In the High Court Of Himachal Pradesh

Meena Kumari

APPELLANT

Vs

Himachal Pradesh State Electricity Board and Others

RESPONDENT

Date of Decision : 02-04-2007

Acts Referred:

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

Citation : (2007) ACJ 2547

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Judgement

Sanjay Karol, J.—This judgment is being dictated in open court in presence of the learned Counsel for the parties.

2. Partap Singh, assistant lineman was employed with respondent Board and was working at the Sub-Station, Kiani, District Chamba, Himachal Pradesh. While in service, on 30.12.1992 while replacing the kitkat at the time of cleaning and maintaining of Sub-Station, Kiani, District Chamba, Himachal Pradesh, the petitioner suffered grievous injuries due to electric shock. As a result of electric shock, he fell from the pole on the ground, he was admitted to the hospital in serious condition but succumbed to injuries on 31.12.1992. He left behind 5 minor children and a widow. Respondent Board has already awarded compassionate appointment in April 1993 to his wife. The respondent Board as a model employer, of its own, reported the matter through its Asstt. Engineer (E), Sub-Station, Koti, District Chamba, Himachal Pradesh, to the Commissioner for Workmen's Compensation, Mandi, which was registered as Case No. 74 of 1996 for the determination of compensation under the provisions of the Workmen's Compensation Act.

3. Vide orders dated 9.8.1996, the Commissioner has awarded compensation of Rs. 92,884, which admittedly has been paid to the petitioner on 17.10.1996. However, the dispute in the present petition pertains to non-imposition of penalty in terms of Section 4-A(3) of the Workmen's Compensation Act, 1923. Perusal of the impugned order makes it abundantly clear that the liability for compensation

was not in dispute at any point of time. It is also not in dispute that the deceased employee would not be disentitled for compensation on any of the grounds as mentioned in Section 3(1) of the Act. In this view of the matter, the petitioner is fully entitled for her statutory entitlement of penalty. As already noticed hereinabove, as a model employer, it was the respondent Board, who had of its own reported the matter for award of compensation. However, Sections 3 and 4 enjoin a duty upon the respondent Board to have quantified the undisputed amount and deposited the same with the Commissioner in accordance with the provisions of the Act. The petitioner got her compensation only after a period of four years. The delay in adjudication is not attributable to the petitioner.

4. The respondent Board is not a private employer but is a State and is expected to be a model employer. It is enjoined with the duty to implement the beneficent provisions of the Act in its true letter and spirit and to make payment of the compensation as soon as it fell due. It is undisputed that the employee had died as a result of the injuries sustained in an accident arising out of and in the course of employment, which is undisputed. Therefore, the respondent Board was enjoined with the duty and an obligation to pay compensation due under the Act as soon as it fell due--*Ram Dulari Kalia v. Himachal Pradesh State Electricity Board* 1987 ACJ 258 (HP) and *Pratap Narain Singh Deo v. Shrinivas Sabata* 1976 ACJ 141 (SC). In peculiar facts and circumstances of this case, petitioner would be entitled for compensation u/s 4-A(3) by way of penalty to the extent of 15 per cent of the awarded amount. Respondent Board shall pay the aforesaid amount to the petitioner within a period of 8 weeks, failing which petitioner would be further entitled for interest at the rate of 6 per cent. The amount shall be distributed equally amongst all the legal heirs of deceased Partap Singh.