

(2025) 12 JH CK 1898

In the Jharkhand High Court

Case No : Miscellaneous Appeal No.46 Of 2014

Nanhki Devi, W/o Late Bal Krishna Prasad Mandal@ Bal
Kishan Pd

APPELLANT

Vs

Manohar Singh, S/o Sri Nand Kishore Singh

RESPONDENT

Date of Decision : 16-12-2025

Acts Referred:

Employee's Compensation Act, 1923 — Section 2(m), 4A(3)(a), 4A(3)(b), 30(1)(a)

Citation : (2025) 12 JH CK 1898

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

**Advocate : M/s A. K. Lall, Shiwam Lath, D. Arati Kumari, S. Singh Kashyap,
Sanjoy Piprawall, Swati Shalini**

Final Decision : Partly Allowed

Judgement

Gautam Kumar Choudhary, J

Heard, learned counsel for the parties.

1. The claimants are appellants who have preferred the instant Misc. Appeal under Section 30(1)(a) of the Employee's Compensation Act, 1923, for enhancement of the Award amount vide impugned judgment / Award dated 26.11.2013 passed by learned Presiding Officer, Labour Court, Deoghar, in W.C. Case No.58 of 2011.

2. The instant Misc. Appeal was admitted to be heard on the following substantial questions of law :-

(i) Whether khuraki (daily wages) can be considered as part and parcel of salary in case of a driver driving the truck?

(ii) Whether interest on Workmen Compensation is be awarded from the date of accident?"

3. It is argued by learned counsel for the appellants/ claimants that as per Section 2(m) of the Employees' Compensation Act, 1923, Khuraki is covered under the wages. However, learned Labour Court has excluded the Khuraki as Rs.50/- per day in the wages and computed the compensation of Rs.4,000/- per month only.

4. So far interest part is concerned, it is contended that under Section 4A(3)(a) and 4A (3) (b) of the said Act, 1923, interest @12% per annum is to be awarded from the date of accident i.e. 06.12.2009.

5. It is argued by learned counsel for the Respondents- Insurance Company that there was upper ceiling of Rs.4,000/- per month admissible for compensation under the Old Act and that included Khuraki as well. The accident took place on 06.12.2009 whereas the new Amendment Act came into force on 22.12.2009, meaning thereby that the accident took place before coming into force of the new Act, 2010.

6. Reliance in this regard is placed on 2016 SCC OnLine Jhar 1067 [Smt. Sumitra Devi vs. Sachida Nand Bhadani & Ors.] wherein it has been held that the accident took place before coming into force of the Amendment Act, 2010.

7. Having heard learned counsel for the parties, I find force in the argument advanced on behalf of the Respondent(s)- Insurance Company that since the accident took place before coming into force of the Amendment Act, 2010, therefore, khuraki will be included in the wages and the upper ceiling of Rs.4,000/- per month only on the basis of which, the final compensation has been computed. Therefore, there is no scope of enhancement of compensation amount. Substantial question No.(i) is answered accordingly.

8. So far Substantial question No.(ii) with regard to interest is concerned, it is argued by learned counsel for the respondents- Insurance Company that since compensation has been awarded with respect to murder of driver, therefore, interest as per question no.(ii) will not be admissible.

9. I do not find any cross appeal or cross-objection against the impugned Award. Earlier Cross Objection No.5 of 2014 was filed, but the same was dismissed by this Court.

10. The second plea raised on behalf of the Respondent-Insurance Company is not sustainable and the interest will be admissible from the date of accident. What is the date from which, the interest on the awarded amount is to be paid in a compensation awarded under the Employees Compensation Act, 1923 is settled by the Apex Court in (2016) 11 SCC 201 [Jaya Biswal & Ors. Vs. Branch Manager, IFFCO TOKIO GENERAL INSURANCE COMPANY Ltd. & Anr.] wherein it has been held that the interest @12% per annum is admissible from the date of accident.

11. Under the circumstance in view of the law settled by the Apex Court, the interest on the awarded amount is to be paid from the date of accident.

Miscellaneous Appeal is accordingly partly allowed. Pending I.A., if any, stands disposed of.