
(2020) 06 J&K CK 0092

In the Jammu And Kashmir High Court

Case No : Miscellaneous Appeal No. 238 Of 2011, IA No. 440 Of 2011

New India Assurance Co. Ltd

APPELLANT

Vs

Hazoor Din And Others

RESPONDENT

Date of Decision : 19-06-2020

Acts Referred:

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

Citation : (2020) 06 J&K CK 0092

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Rupinder Singh

Final Decision : Dismissed

Judgement

Sanjeev Kumar, J

1. This appeal filed under Section 30 of the Workmen Compensation Act (hereinafter referred to as "the Act") is directed against the award dated 24.06.2010 passed by the Commissioner Workmen's Compensation Act (ALC), Doda (hereinafter referred to as the "the Commissioner") whereby an award of Rs. 3,89,742/- along with interest @ 12% per annum, to be calculated one month after the date of accident has been passed.

2. The appellant-Insurance Company has assailed the impugned award primarily on the ground that the Commissioner could not have awarded interest w.e.f one month after the date of accident as the same was contrary to the provisions of Section 4-A(3) of the Act.

3. Learned counsel appearing for the appellant-Insurance Company has raised the following questions of law for adjudication in this appeal:

(i) Whether the insurance company is liable to indemnify the insured for the interest awarded against him under sub section (3) of Section 4-A of the Workmen's Compensation Act, 1923 ?;

(ii) Whether the learned Commissioner under Workmen's Compensation Act, 1923 (Assistant Labour Commissioner) Doda was justified in directing the payment of interest by the appellant-insurance company one month after the date of accident i.e from 23.09.2007 till the date of deposit when the interest is payable on completion of one month from the date on which payment becomes due and it fell due on the date of adjudication ?

4. Learned counsel appearing for the appellant-Insurance Company fairly states that the questions of law proposed by him in the memo of appeal are no longer res integra.

5. This Court in the case of Ghulam Mohd vs Divisional Manager, SFC Doda, decided on 12.03.2020 has categorically held that the interest on the awarded amount is payable with effect from the expiry of one month from the date of accident.

6. In view of the aforesaid, I do not find any substantial question of law involved in this appeal for adjudication of this Court and in the absence thereof, this appeal filed under Section 30 of the Act is not maintainable. The same is, accordingly, dismissed.