
(2010) 02 P&H CK 0309
In the Punjab And Haryana At Chandigarh

Sadhu Ram

APPELLANT

Vs

Dakshi Haryana Bijli Vitran Nigam Ltd. and Others

RESPONDENT

Date of Decision : 25-02-2010

Acts Referred:

Employees Compensation Act, 1923 — Section 4A

Citation : (2010) 158 PLR 582 : (2010) 4 RCR(Civil) 14

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rakesh Kumar Jain, J.—This appeal has arisen out of an order of the Workmen Commissioner under the Workmen's Compensation Act, 1923 dated 15.12.2007 whereby appellant has been awarded a sum of Rs. 3,42,432/- towards compensation assessed u/s 4A of the Act and an interest of Rs. 30,819/- calculated at simple interest @ 12% per annum from the date of filing of the claim application i.e. 14.3.2007 to 15.12.2007 i.e. the date of decision.

2. The only grievance raised by counsel for the appellant with respect to calculation of the period of interest. It is submitted that accident took place on 8.11.2005, therefore, the interest should have been calculated after the expiry of one month from the date of injury and not from the date of filing of application. In this regard, learned Counsel for the appellant has relied upon a decision of this Court in the case of New India Assurance Company Limited Vs. Manphool Singh and Others, .

3. No contrary judgment has been cited by learned Counsel for the respondents, who has rather argued that the decision rendered by the Commissioner is fully in accordance with law and does not warrant any interference of this Court.

4. I have heard both learned Counsel for the parties and perused the available record.

5. In the decision, rendered by this Court in the case of New India Assurance Company Limited (supra), the facts were that the workmen was awarded compensation, for the injuries suffered by him, by the Workmen Compensation Commissioner, Hisar but the interest was not awarded from the date of accident.

6. In the said appeal, reliance was placed by the Insurance Company on the decision of the Supreme Court in the case of "National Insurance Company Limited v. Mubasir Ahmed and Anr." (2007)146 P.L.R. 188, in which two Hon"ble Judges of the Supreme Court had held that the starting point of the payment of interest would be the date on which it fell due and the term "falls due" was interpreted as the date on which the matter is adjudicated by the Commissioner and not the date of accident. This Court, while disposing of New India Assurance Company Limited (supra), has relied upon a judgment rendered by four Judges Bench of the Supreme Court in the case of Pratap Narain Singh Deo Vs. Srinivas Sabata and Another, , which per chance was not referred to the Hon"ble Judges while deciding the case of New India Assurance Company Limited (supra), in which it has been held that the interest would accrue after 30 days from the date of injury and not from the date of adjudication of the lis between the parties.

7. Following the decision of the Larger Bench of the Supreme Court, this Court had held that the interest shall be payable not from the date of award/order of the Commissioner but on expiry of one month from the date of injuries sustained by the workmen.

8. In the present case, I follow the decision rendered by this Court in the case of New India Assurance Company Limited (supra), which is been rendered on the basis of a decision of the Supreme Court in the case of Partap Narain Singh Deo (supra).

9. In view of the above discussion, present appeal is allowed and the order of the learned Commissioner is hereby modified to the extent that the appellant shall be entitled to interest after one month from the date of injury i.e. 8.12.2005 till the date of its realization.