



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

211

FAO-536-1995

Date of decision : 04.02.2025

Satya Wati

..... Appellant

versus

Satish Kumar and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Maneet Kaushik, Advocate for  
Mr. Ashit Malik, Advocate  
for the appellant.

None for respondent No.2-Insurance Company.

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**PANKAJ JAIN, J. (Oral)**

1. Claimant is aggrieved of order dated 24.11.1994 passed by Commissioner under Workmen's Compensation Act, 1923 (now known as Employee's Compensation Act, 1923).

2. Claimant claimed compensation on account of death of her son Arvind, who died while working as Cleaner at a monthly salary of Rs.1200/- plus Rs.20/- as daily expenses.

3. In the considered opinion of this Court, the Commissioner erred in taking the age of deceased as 28 years. As per post mortem report, the age of the deceased was between 25 years to 30 years. The same ought to have been taken as 25 years. The relevant factor that needs to be multiplied with the monthly salary of Rs.1,500/- is 216.91. Apart from the aforesaid modification, the Commissioner also erred in granting interest @ 12% per annum from 30 days after the



passing of the award. In terms of Section 4-A of the Act, the interest payable is for the period commencing from 30 days after the accident till the date of actual realization. Accident is of dated 29.05.1993. Thus, the claimant shall be entitled for interest @ 12% for the period commencing from 28.06.1993 till the date of actual realization. Nothing has been paid on account of penalty. Claimant shall also be entitled for 50% of the compensation amount on account of penalty. Penalty will be borne out by respondent No.1-the employer and not by the insurers. Enhanced amount qua compensation apart from the penalty shall be borne out by the insurance company.

4. With the aforesaid modifications, the appeal is disposed off.

**(PANKAJ JAIN)**  
**JUDGE**

**04.02.2025**

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No