

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 3rd February, 2012

+ **MAC APP. 656/2011**

MRS. MUSTARI BEGUM Appellant
Through: Mr. Sanjeev Srivastava, Adv.

versus

NEHAL & ORS. Respondents
Through: Mr. Kanwal Chaudhary, Adv.
for R-3.

CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. The Appeal is for enhancement of compensation of ₹ 3,20,660/- awarded for the death of Syed Khalikuk, who was aged 30 years at the time of the accident.
2. During inquiry before the Claims Tribunal it was claimed that the deceased was a graduate and was earning ₹ 5,500/- per month. In the absence of any proof of income and the educational qualification, the Claims Tribunal took the minimum wages of an unskilled worker i.e. ₹ 3,470/- as on

16.02.2007, deducted 50% towards personal and living expenses of the deceased (he being a bachelor) and computed the loss of dependency as ₹ 2,70,660/- on applying the multiplier of '13' as per the age of the Appellant (the deceased's mother).

3. It is urged by the learned counsel for the Appellant that the Appellant has not been able to obtain the certificate regarding the deceased's educational qualification and, therefore, does not dispute taking minimum wages of an unskilled worker to compute the loss of dependency. It is urged that the deceased was a young boy of 30 years and an addition of 50% ought to have been made in the minimum wages to compute the loss of dependency.
4. In *National Insurance Company Ltd. v. Renu Devi & Ors., III (2008) ACC 134*, this Court held that the increase in the minimum wages is not on account of promotion of an unskilled worker or on account of advancement in his career but the same is due to increase in the price index and cost of living. It has also to be borne in mind that the minimum wages are revised not only to meet the inflation but also to improve the standard of living of the lowest paid workers and to give them benefit of growth in GDP.
5. Similar view was taken by this Court in *Narinder Bishal & Anr. v. Rambir Singh & Ors., 2009 ACJ 1881; UPSRTC v. Munni*

Devi, IV (2009) ACC 879; and Vinod Kumar Bansal v. Ranbir Singh & Ors., 2011 ACJ 1672 (Delhi).

6. A perusal of the Notifications issued under the Minimum Wages Act would show that the minimum wages of an unskilled worker were revised from ₹ 3470/- as on 1.02.2007 to ₹ 6,422/- on 01.04.2011. Thus, it has to be noticed that there was an increase of more than 100% in the minimum wages in just four years. This was not on account of inflation but to provide a better standard of living to the lowest paid workers.
7. Thus, the Appellants were entitled to addition of 50% in the income on account of indexation and increase in minimum wages to provide better standard of living.
8. The revised loss of dependency works out to be ₹ 4,05,990/- (₹ 3,470/- + 50% ÷ 2 x 12 x 13 = 4,05,990/-).
9. The overall revised compensation is tabulated hereunder: -

S.No.	Compensation Head	Awarded by the Claims Tribunal	Awarded by High Court
1.	Loss of Dependency	₹ 2,70,660/-	₹ 4,05,990/-
2.	Loss of Love & Affection	₹ 30,000/-	₹ 25,000/-
3.	Funeral Expenses	₹ 20,000/-	₹ 20,000/-

4.	Loss of Estate		₹ 10,000/-
	TOTAL	₹ 3,20,660/-	₹ 4,60,990/-

10. The enhanced compensation of ₹ 1,40,330/- shall carry interest @ 7.5% per annum from the date of filing of the petition till the date of the deposit. Respondent No.3 the New India Assurance Company Ltd. is directed to deposit the award amount in UCO Bank, Delhi High Court Branch, New Delhi.
11. 20% of the enhanced amount along with proportionate interest shall be released to the Appellant forthwith. Rest of the 80% amount along with interest shall be held equally in two Fixed Deposits for a period of two years and four years respectively.
12. The Appeal is allowed in above terms.
13. No costs.

(G.P. MITTAL)
JUDGE

FEBRUARY 03, 2012
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