

BEFORE SH. S.C YADAV, COMMISSIONER
(UNDER EMPLOYEES' COMPENSATION ACT, 1923)
LABOUR DEPARTMENT, GOVT. OF N.C.T. OF DELHI
5, SHAM NATH MARG, DELHI-110054

No.EC(D)-56/SWD/16/ 50 .

Dated: 25/04/2022 .

IN THE MATTER OF :

Smt. Gurdev Kaur & Ors

R/o Quarter 15/8, Khabar Land,

Dhaura Kuan, Delhi Cantt.

New Delhi – 110010

.....Applicants

Versus

1. **Harjit Singh S/o Gurudev Singh**

R/o H.No – 385, Gill Kothe,

Saina, Barnala Punjab - 148103

2. **M/s United India Insurance Co. Ltd.**

Delhi Regional Office-I,

8th Floor, Kanchanjunga Building,

Barakhamba Road, New Delhi - 110001

..... Respondents

CORRIGENDUM ORDER

1. In the said matter an order No. EC(D)-56/SWD/16//1381 dated 16/03/2022 was passed by this Authority. The respondent No.2 Insurance Co., in the said matter has filed an application dated 20/04/2022 seeking correction of typographical error in the said order dated 20/04/2022.
2. Accordingly the issue has been examined and after scrutinizing the order it has come to the notice that inadvertently typographical mistake occurred as in the calculation of compensation considering the age of deceased as 32 years and relevant factor of 203.85 and 50% of Rs. 8000/- to be considered and in the next line the calculation has been done considering 60% of wages Rs. 8000/- instead of 50% of Rs. 8000/-. Since Rule 32(2) of the EC Rules, 1924 provides that if any arithmetical or clerical mistake occurred in the judgement which has been pronounced and signed by the Commissioner Employee's Compensation, then the Commissioner Employee's Compensation to correct clerical or arithmetical mistake arising from any accidental slip or omission.
3. Since only typographical mistake has occurred in this order and there is no need to summon opposite party before deciding the application in question. Accordingly as



per Rule 32(2) of the EC Rules, 1924 read with section 151/152 of CPC, the order is partially modified and the para No. 9 and 11 may be read as follows:

9. *In view of above discussion for calculation of compensation age of deceased 32 yrs, relevant factor 203.85 and 50% of Rs. 8000 (since under the Act cap of Rs. 8000 has been fixed).*

Accordingly compensation is calculated as under:

i)	Relevant factor of 32 years	:	203.85
ii)	50% of wages @ Rs. 8000/- pm	:	Rs. 4000/-
iii)	Amount of compensation	:	
	203.85 X 4000	:	Rs. 8,15,400 /-

The applicant/claimant is also entitled to interest as per Section 4A of the 'Act' @ 12% per annum from 30 days after the accident.

11. *Therefore, the applicant/claimant is entitled to receive death compensation from respondents jointly or severally, since vehicle in question was insured on the day of accident with respondent no 2, hence the respondent no. 2 Insurance Co. is liable to indemnify to the claimant. Accordingly Respondent no 2 Insurance Co. is directed to deposit before this Authority an amount of **Rs. 8,15,400 /-** (**Rupees Eight Lakh Fifteen thousand Four hundred Only**) on account of compensation payable to the applicant/claimant along with interest @ 12% P.A. w.e.f. 27.07.2016 till its realization. Further respondent no 1 is also directed to deposit **Rs. 2,44,620/-** as penalty through pay order in favour of "**Commissioner Employee's Compensation**" within a period of 30 days from the receipt of this order.*
4. Other content of the order dated 16/03/2022, shall remain the same.
5. Accordingly application dated 20/04/2022 filed by respondent No. 2 Insurance Co. is allowed and disposed off.
6. Given under hand and seal of this Authority on this 25th day of April, 2022

(S.C. Yadav)

Commissioner

Employee's Compensation Act, 1923

