

**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.WC/228/NW/15 /1362

Dated: 04/03/2022

IN THE MATTER OF:

Sh. Ashish Jaiswal S/o Sh. Jagdish Jaiswal
C/o Engg. Workers Lal Jhanda Union (Reg),
C-12 Ramgarh, Jahangirpuri Mod,
Delhi.

.....Applicant

Versus

Sh. Girish Kumar,
Gatta factory, Satsang wali gali
Rajiv Nagar, Bhalaswa Dairy, Delhi

.....Respondent

CORRIGENDUM ORDER

1. In the said matter an order No. WC/228/NW/15/1305-1306 dated 23/12/2021 was passed by this Authority. The respondent in the said matter has filed an application dated 25/02/2022 under Rule 32(2) of the EC, Rules, 1924 read with Sec. 151/152 of CPC seeking correction of clerical and arithmetical error occurred in the said order dated 23/12/2021.
2. Accordingly the issue has been examined and after scrutinizing the order it has come to the notice that inadvertently arithmetical mistake occurred as the disability percentage of the claimant i.e. 50% (assessed by the medical Board) was not taken under consideration in calculation of the compensation amount and a clerical error i.e. date of accident was mentioned 27/05/2015 in para No. 11 instead of 27/07/2015. Since Rule 32(2) of the EC Rules, 1924 provides that if any arithmetically or clerical mistake occurred in the judgment 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 arithmetical and clerical 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 Sec. 151/152 of

04/03/22

CPC, the order is partially modified and the **Issue no 3 and Para No 11** may be read as follows:

“Issue No 3

In the given wage, age and loss of earning capacity the applicant/claimant is entitled to compensation as under:

- i) Relevant factor of 25 years : **216.91**
- ii) 60% of wages @ Rs. 8000/- pm : **Rs. 4800/-**
- iii) Amount of compensation

$$\frac{216.91 \times 4800 \times 50}{100} : \text{Rs. } 5,20,584/-$$

The applicant/claimant is also entitled to interest as per Section 4A of the ‘Act’ @ 12% per annum from 30 days after the accident. Keeping in view the facts and circumstances, I impose a penalty of 25% of the principal amount on the respondent.

11. Therefore, the applicant/claimant is entitled to receive injury compensation from respondent, hence the respondent is directed to deposit before this Authority an amount of **Rs. 5,20,584/--(Rupees Five Lakhs Twenty Thousand Five hundred Eighty Four Only)** on account of compensation payable to the applicant/claimant along with interest @ 12% P.A. w.e.f. **27.07.2015** till its realization and penalty of **Rs. 1,30,146/-** through pay order in favour of **“Commissioner Employee’s Compensation”** within a period of 30 days from pronouncement of the order before this Authority.”

4. Other contents of the order dated 23/12/2021, shall remains the same.

5. Accordingly application dated 25/02/2022 filed by respondent is disposed off.

6. Given under my hand and seal of this Authority on this 4th day of March, 2022.

(S.C. Yadav)

Commissioner

Employee’s Compensation Act, 1923