

4. Oral and documentary evidence was let in to prove the income of deceased at Rs. 13,850/-. Possibility of future

prospect was pointed out by one witness PW-Mahesh Ghai-Accountant in Chief Animal Husbandry Department who stated that while deceased was getting Rs. 13850/- per month, he would be getting enhanced salary in the two years that he will serve. That deceased will also be entitled to 6<sup>th</sup> pay commission as per SRO dated 1.1.2006.

5. The Tribunal, however, taking note of the age of the deceased and his period of service when he will be due for his retirement, fixed income at Rs. 13840/-. After deducting 1/4<sup>th</sup> towards personal expenses ( $13850 \times 1/4 = 3463$ ) determined the pecuniary loss to the dependants at Rs. 10380/- (Rs. 13840-3463). By adopting multiplier of 8 reduced to 6 granted following amount as compensation:

For loss of dependency =	Rs. 7, 47, 360/- (10380 x 12 x 6)
For funeral expenses =	Rs. 15,000/-
Total =	Rs. 7,62,360/-

6. In appeal it is pleaded that future prospects should be considered, multiplier adopted by the Tribunal is erroneous and no amount is granted for love and affection to the dependents.

7. Heard Mr. Suneel Malhotra, counsel for the respondent-Insurance Company who states that son of the deceased was appointed on compassionate basis, hence he is not a dependent. The income fixed by the Tribunal is after going through the evidence of Mahesh Ghai-appellants' witness. Taking note of the age of the deceased and his two years of service prior to his retirement, it is held that the possibility of substantial future prospects is meager. Tribunal, therefore, was justified in fixing the income at Rs. 13850/-. The deceased was nearing the age of superannuation.

8. Insofar as deduction towards personal expenses is concerned, there is no dispute, therefore, pecuniary loss per month will be Rs. 10,380/-. The Tribunal, however, fell into error by adopting the multiplier 6 which is not commensurate with the age of the deceased as also age of the widow. The proper multiplier in view of the case titled **Sarla Verma & ors vs. Delhi Transport Corporation & anr. reported in 2009(3) Supreme 487** will be 9. The pecuniary loss as per above decision will be Rs. 11,21040/- (10380 x 12 x 9). For loss of consortium to the wife Rs. 30,000/- is granted. For loss of love and affection to the three children Rs. 25,000/- each is granted. For funeral expenses Rs. 15000/-. This Tribunal failed to grant.

9. The award of Tribunal is modified and the appellants-claimants are entitled to the following enhanced compensation along with interest at the rate of 7.5% per annum:

S. No.	Heading	Award of Tribunal	Award Modified
1.	For loss of income	Rs. 7,47,360/-	Rs.11,21040/-
2.	For funeral expenses	Rs. 15000/-	Rs. 15,000/-
3.	For loss of love and affection to wife	-nil-	Rs. 30,000/-
4.	For loss of love and affection to three children	-nil-	Rs. 75000/- (Rs.25000/- each)
Total		Rs. 7,62360/-	<b>Rs.12,41,040/-</b>
<b>(Rupees Twelve Lac Forty One thousand and forty only)</b>			

10. Appeal is allowed in the above terms enhancing the award of the Tribunal.

**(Ramalingam Sudhakar)**  
**Judge**

Jammu:

*Sunita.*

29.09.2016

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