



HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 69 of 2026

The New India Assurance Company Limited

.....Appellant(s)

Versus

Taiyyab Alam And Another

.....Respondent(s)

Counsel for Appellant(s) : Anubhav Sinha
Counsel for Respondent(s) : Mohd. Asim Zulfiqar

Along with :

1. First Appeal From Order No. 42 of 2026:

Taiyyab Alam

Versus

Farooq and another

Court No. - 38

HON'BLE SANDEEP JAIN, J.

F.A.F.O. No. 69 of 2026 has been filed under Section 30 of the Employee's Compensation Act, 1923 by the insurer of the offending Truck bearing registration No. UP-21-CN-8245, assailing the impugned judgment and award dated 24.10.2025 passed by the Employees' Compensation Commissioner, Moradabad, in W.C. Case No. 01 of 2022 (Taiyyab Alam v. Farooq and another), whereby, for the injuries sustained by the claimant during the course of his employment as a driver of Truck No. UP-21-CN-8245 in an accident that occurred on 14.10.2021, compensation to the tune of Rs.9,04,222/- along with interest at the rate of 12% per annum and a further sum of Rs.3,38,103/- towards medical expenses has been awarded in favour of the claimant, which has been ordered to be indemnified by the insurer of the offending vehicle.

F.A.F.O. No. 42 of 2026 has also been filed by the claimants under Section 30 of the Employee's Compensation Act, 1923 against the impugned judgment and award dated 24.10.2025, seeking enhancement of the compensation awarded by the Commissioner, Moradabad in the above mentioned case.

Since both the appeals arise out of the same impugned judgment and award, they are being heard together at the admission stage.

Learned counsel for the appellant-Insurance Company submitted that the claimant claimed to be 31 years of age at the time of the accident and, therefore, as per Schedule IV of the Employees' Compensation Act, 1923, the applicable factor was 205.95. However, the Commissioner has erroneously applied a factor of 295.95, which is inapplicable.

It was further submitted that, as per the disability certificate of the claimant annexed with the appeal, the claimant has suffered only a temporary disability, but the Commissioner has erred in concluding that the claimant suffered a permanent disability, which was contrary to the disability certificate on record.

It was also submitted that the appellant had deposited the entire amount of compensation along with interest before the concerned Commissioner, who was aware of the filing of the present appeal; however, in a hurried manner, the Commissioner released the compensation amount in favour of the claimant, which indicates impropriety in the discharge of official duties and collusion with the claimant.

On the aforesaid submissions, it was prayed that the appeal be admitted for hearing.

Per contra, learned counsel for the claimant–respondent submitted that the disability certificate disclosed temporary disability, which was to be reviewed after a period of three years, which expired on 02.12.2025 and for proper assessment of the nature of disability, the claimant was required to appear before the concerned Medical Board after 02.12.2025, where it would be determined whether the disability was temporary or permanent. It was, therefore, prayed that some time be granted to the claimant for appearing before the Medical Board for assessment of the nature of disability.

I have heard learned counsel for both sides and perused the impugned judgment and the documents filed along with the appeal.

Prima facie, it appears that the Commissioner has applied an incorrect factor under Schedule IV of the Employees' Compensation Act, 1923 and has also

awarded compensation by treating the claimant as permanently disabled, which is contrary to the evidence on record.

It further appears that despite having knowledge of the filing of the present appeal, the Commissioner acted in undue haste in releasing the compensation amount in favour of the claimant, which was not warranted in the facts and circumstances of the case. The Commissioner ought to have awaited the decision of this Court before releasing any amount to the claimant.

In view of the above, the Commissioner is directed to submit his explanation as to why appropriate action should not be taken against him for acting in a hurried manner. The explanation shall be submitted within two weeks from today.

Registrar (Compliance) is directed to communicate this order to the concerned Commissioner within 48 hours.

In the meantime, the claimant is directed to deposit 50% of the amount released to him, along with interest, before the concerned Commissioner.

In the event of such deposit, the Commissioner shall invest the said amount in a fixed deposit for a period of one year, subject to the final outcome of the present appeal.

Put up this matter as fresh on 17.02.2026.

The Vakalatnama filed by learned counsel for the appellant–Insurance Company during the course of hearing is taken on record. The office is directed to show his name in the cause list as counsel for the respondent in F.A.F.O. No. 42 of 2026.

(Sandeep Jain,J.)

January 21, 2026

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