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CMA.No.1556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1556 of 2022
& CMP.No.11544 of 2022

The Chief General Manager,
M/s.NLC India Limited,
Mine - 1A, Neyveli.

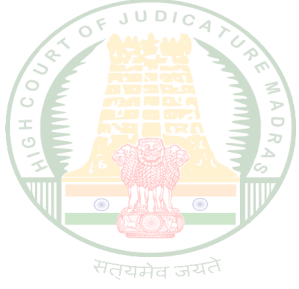
...Appellant

Vs

1. Smt.M.Latha, W/O.Late Mayavan,
C-6, Eluthalar St, Block 9,
Kurinjpadi Taluk, Neyveli,
Cuddalore District-607 801.
2. The State General Secretary
Centre of Indian Trade Unions,
No.27, Mosque St, Chepauk,
Chennai-5.

...Respondents

APPEAL under Section 30 of the Employees' Compensation Act, 1923 to set aside the impugned order dated 23.12.2021 passed in E.C.No.52 of 2018 on the file of the Employees Compensation Commissioner 2 - Deputy Labour Commissioner - 2, DMS Campus, Teynampet, Chennai-6.



For Appellant:
For Respondents:

Mr.N.Nithianandam
Mr.V.Ajoy Khose for R1 & R2

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JUDGMENT

This appeal has been filed by the Neyveli Lignite Corporation Limited (for short, the NLC) under Section 30 of the Employees' Compensation Act, 1954 (hereinafter called the Act) against the order dated 23.12.2021 passed in E.C.No.52 of 2018 by the Employees' Compensation Commissioner-2 - Deputy Labour Commissioner - 2, DMS Compound, Teynampet, Chennai-6 (for short, the Labour Commissioner).

2. Heard the learned counsel for the appellant and the learned counsel appearing for the respondents.

3. The facts leading to filing of this appeal are as follows:

(i) The first respondent filed a petition before the Labour Commissioner stating that her husband - one Mr.Mayavan (since deceased) was working as a Senior Technician - Grade I at the NLC; on 01.12.2017, he was on duty in the third shift; on the next day morning at 6 AM, he was found in an unconscious condition; initially,



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it was assumed that the said Mr.Mayavan was bitten by a poisonous insect or snake; after the said Mr.Mayavan was taken to hospital, he was declared died; and only after the post mortem was conducted, it came to light that the said Mr.Mayavan died due to the effect of coronary artery heard disease. It was under those circumstances, the claim petition came to be filed under the Act seeking for payment of compensation by the NLC, which was the employer.

(ii) Before the Labour Commissioner, the appellant filed a counter and took a stand that the said Mr.Mayavan died due to a natural cause, that there was no accident that arose out of and in the course of employment and that the appellant was not liable to pay compensation. Accordingly, the appellant sought for dismissal of the claim petition filed by the first respondent.

(iii) The Labour Commissioner, on considering the facts and circumstances of the case and on appreciation of the evidence, came to the conclusion that the deceased suffered a heart attack only due to the stress and strain during the work, that the death had taken place during the course of employment and that consequently, the employer was liable to pay the compensation. The Labour Commissioner fixed a sum of Rs.5,75,720/-, which was



directed to be paid by the appellant with interest at the rate of 12% per annum. Aggrieved by that, the above appeal has been filed before this Court.

4. The following substantial question of law arises for consideration in this case :

"Whether the death of the employee was due to the heart attack, which is not attributable under Sub-Sections (2), (2A) and (3) of Section 3 of the Workmen's Compensation Act and there was no nexus between the employer and the cause of death of the deceased and whether the appellant is liable to pay the compensation under Section 3(4) of the Act ?"

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the material available on record and more particularly the impugned order.

6. In the case in hand, the deceased – the said Mr.Mayavan was working as a Senior Technician Grade I. It is borne out by materials available on record that the deceased was working in the



third shift at AL4 Drive Head Area of Lignite Bench System of Mine –

1A. He was engaged in work right through the night and at about 6 AM on 02.2.2017, he was found in an unconscious condition. Immediately, a message was sent for ambulance and the incident report was prepared, in which, it was stated that the deceased died due to bite by some poisonous insect.

7. The doctor, on examining the deceased, pronounced that he was dead. The dead body was sent for post mortem and the doctor, who conducted the post mortem, recorded the following external injuries :

"External injuries :

- 1. Abrasion of size 5 X 0.25 cm seen over the outer aspect of upper 1/3rd of left arm, brownish black in colour;*
- 2. Abrasion of size 4 cm X 1 cm seen over the centre of buttock (ant bite marks); and*
- 3. Abrasion of size 2 X 1 cm seen over the left knee and right ankle joint."*

8. The above external injuries were also noted by those, who saw the deceased in the unconscious state and they came to the



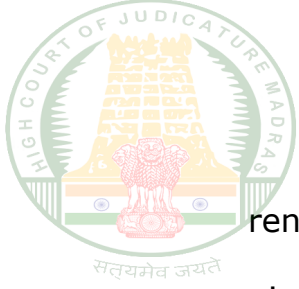
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conclusion that he was bitten by a poisonous insect or snake and he died. The viscera report confirmed that there was no alcohol or other poison in the vital organs. Ultimately, it was diagnosed that the said Mr.Mayavan appeared to have died due to the effect of coronary artery heart disease (natural).

9. In view of the above finding, the appellant has taken a stand that the said Mr.Mayavan did not die due to any reason directly attributable to an accident arising out of and in the course of employment and that consequently, no compensation is liable to be paid by the appellant.

10. This Court has already noted that the deceased was engaged in the night shift and that he was on duty at Mine -1A, which is one of the mines run by the NLC. At the time of demise, the said Mr.Mayavan was aged bout 53 years. There is no material to show that the deceased was suffering from any disease or condition, which would have led him to suffer a heart attack.

11. The Labour Commissioner, on assessment of evidence,



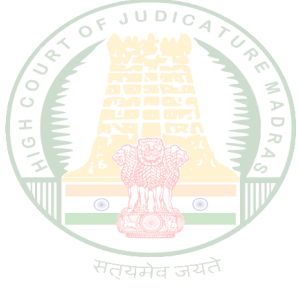
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rendered a finding that the said Mr.Mayavan was awake during night, that he was working in a mine and that therefore, the stress and strain would have resulted in the said Mr.Mayavan suffering a heart attack.

12. This Court is not encountering a situation like this for the first time and there are very many cases where the employees had died due to heart attack and it was held to be an accident arising out of and in the course of employment.

13. It would suffice to take note of the latest judgment of the Hon'ble Apex Court in this regard in the case of **Chairman, Vaidyanath Sahakari Sakhar Karkhana Ltd. Vs. Shantabhai [Civil Appeal No.3556 of 2025 (arising out of SLP(C) No. 29239 of 2019) dated 13.2.2025]**, in which, the relevant portions read thus:

"4. According to the respondents/ claimants, on 01.12.2008 while the deceased workman was working in the sugar factory in the shift between 12.00 PM and 08.00 PM, due to pressure of work and psychological tensions, he



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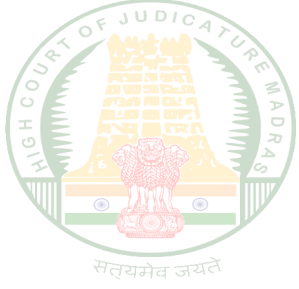
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suffered a heart-attack and was admitted to Sanjivani Hospital in Parali. However, he could not survive and died due to the heart-attack. At the time of death, the deceased workman was 50 years old and was drawing a monthly salary of Rs.8,950/-.

.....

14. The expression "accident" according to P.Ramanatha Aiyar's Advance Law Lexicon Dictionary means 'undesigned, sudden or unexpected event; mishap; misfortune; disaster'. The word 'accident' is derived from the Latin verb 'accidere' signifying "fall upon, befall, happen, chance". In other words, it is a sudden and unexpected event taking place without expectation upon the instant, rather than something which continues, progresses or develops; something happening by chance not according to usual course of things or events, out of the range of ordinary calculations; that which exits or occurs abnormally, or an uncommon occurrence.

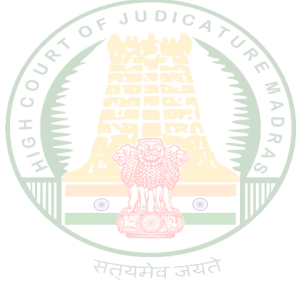
15. The word "accident" generally denotes an event that takes place without one's foresight or expectation; an event which proceeds from an unknown cause, or is an unusual effect of a known cause, and therefore not expected; chance, casualty, contingency (Webster Dictionary).



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16. In other words, an "accident" being an unforeseen event causing a misfortune or loss is different from an omission which is as a result of negligence or misconduct. Therefore, the expression "accident" means an untoward mishap which is not expected or designed. In the context of the Act under consideration, the term "accident" for the purpose of seeking compensation for personal injuries sustained would include any injury which is not designed by the workman himself. Thus, the word "accident" would include all mishaps occurring by chance or caused unintentionally and events happening due to unforeseen circumstances under Section 3(1) of the Act. It must be interpreted as mishap or "untoward event not expected or designed" in the popular and ordinary sense. If the injury or death occurred without designed on the part of the workman then the death or injury would be by accident, although it was brought about by a heart attack or some other cause to be found in the condition of the workmen himself. The expression "accident" not being defined under the Act must be interpreted to be an untoward event which is not expected or designed; therefore, an accident means unintended and unexpected occurrence which produces hurt or loss. The interpretation of the word "accident" must be in



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the popular and ordinary sense and not in a technical sense. Thus, the expression "accident" arising out of and in the course of his employment in Section 3(1) of the Act must be so interpreted as to establish that

(1) at the time of the accident he was in fact engaged in the duties of his employment;

(2) that it occurred at the place where he was performing those duties; and

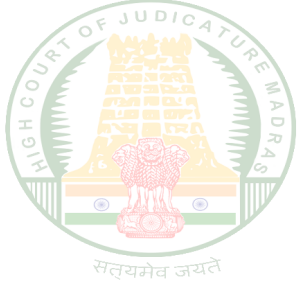
(3) that the immediate act which led to the accident is not so remote from the sphere of his duties so as to be regarded as something foreign to them.

17. In Shakuntala Chandrakant Shreshti vs. Prabhakar Maruti Garvali & Another, (2007) 11 SCC 668, while applying Section 3 of the Act, this Court observed that the tests attracting the provision of Section 3 of the Act would require the following principle to be proved:

(1) There must be a causal connection between the injury and the accident and the accident and the work done in the course of employment.

(2) The onus is upon the applicant to show that it was the work and the resulting strain which contributed to or aggravated the injury.

(3) If the evidence brought on records establishes a greater probability which satisfies a



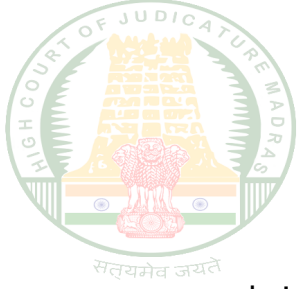
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reasonable man that the work contributed to the causing of the personal injury, it would be enough for the workman to succeed, but the same would depend upon the fact of each case.

18. In the said case, taking note of the fact that the deceased died as a result of heart attack and he was working as a helper, it was observed that per se the duties would not be such which would cause stress and strain. If an additional duty was required to be performed by the deceased, the same was required to be clearly stated. In the facts of the said case, this Court declined to grant any relief and observed that the case did not fall within the scope and ambit of Section 3 of the Act.

19. We have considered the aforesaid judgments in light of the facts of the present case and perused the material on record. Having regard to the nature of the job that the deceased was performing as a Quadruple mate in the appellant-Factory and the cause of his death, we find that there was a causal connection between the death and the nature of the job that the deceased workman was discharging in the appellant-factory."

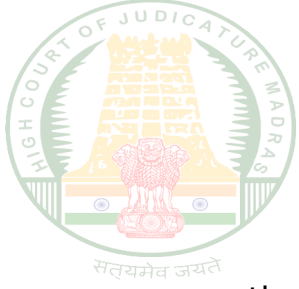


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14. The above judgment of the Hon'ble Apex Court succinctly brings out the meaning of the word '**accident**' and as to how it must be construed qua the claim made under the Workmen's Compensation Act/Employees' Compensation Act. It was held that in order to bring out a case under Section 3(1) of the Act, it must be established that the workman was engaged in the duties of his employment, that the accident occurred at the place where he was performing those duties and that the immediate act, which led to the accident, was not so remote from the sphere of his duties so as to be regarded as something foreign to them.

15. If the above test is applied to the facts of the present case, all the ingredients are satisfied and the finding rendered by the Labour Commissioner to the effect that the stress and strain involved in the work has led to heart attack, does not suffer from perversity warranting the interference of this Court. Ex consequenti, the question of law framed by this Court is answered accordingly in favour of the first respondent/wife of the deceased employee.



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16. The judgment of the Hon'ble Apex Court relied upon by the learned counsel for the appellant in the case of ***Jyothi Ademma Vs. Plant Engineer, Nellore [reported in 2006 (5) SCC 513]*** only explained the scope of Section 3(1) of the Act and it was made clear that a workman, who dies as a natural result of disease, which he was suffering, cannot claim compensation under the Act since there is no causal connection between the injury and the accident during the work done in the course of employment. There is no quarrel regarding the proposition laid down by the Hon'ble Apex Court and it has to be applied to the facts of each case.

17. In the case in hand, this Court has already found that the accident namely heart attack had arisen out of and in the course of employment of the deceased employee.

18. In the result, this civil miscellaneous appeal is dismissed. The order dated 23.12.2021 made in E.C.No.52 of 2018 on the file of the Employees' Compensation Commissioner-2/Deputy Commissioner-2, DMS Compound, Teynampet, Chennai-6 is confirmed. It is seen that the entire compensation amount has



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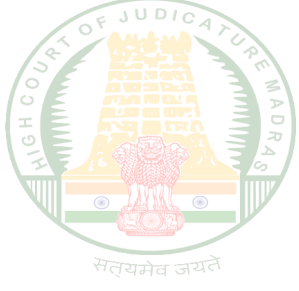
already been deposited. Hence, the first respondent is permitted to withdraw the entire compensation amount together with accrued interest. No costs. Consequently, the connected CMP is also dismissed.

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Index: Yes
Speaking order
Neutral Citation: Yes

To
The Employees' Compensation
Commissioner-2 - Deputy
Labour Commissioner-2, Chennai.

RS



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N.ANAND VENKATESH,J

RS

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