



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 56 of 2022

S.Devanesan
S/o. Subrayan

Appellant(s)

Vs

1. D. Prabhu
S/o. Durai

2.The Divisional Manager
The New India Assurance Company
Ltd., Csi Building, Officers Line,
Vellore.

Respondent(s)

PRAYER

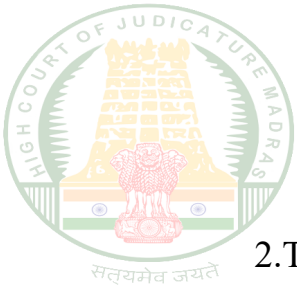
Civil Miscellaneous Appeal filed under Section 30 of the Employee's Compensation Act, 1923, to set aside the order dated 27.05.2019 made in WC No.174 of 2015 (Old No.53 of 2013) on the file of the Commissioner for Workmen's Compensation and Joint Commissioner of Labour, Vellore.

For Appellant(s): Mr.M.Sivakumar

For Respondent(s): Mr.P.Sankara Narayanan for R2

JUDGMENT

This appeal has been filed against the order passed by the Commissioner of Workmen's Compensation and Joint Commissioner of Labour, Vellore in WC No.174 of 2015 (Old No.53 of 2013) dated 27.05.2019, rejecting the petition.

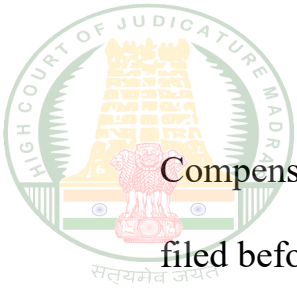


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2.The appellant filed application under the Workmen Compensation Act, 1923, on the ground that on 22.9.2012 he was driving the auto and at about 01.45 a.m, near the Polytechnic College, a bullock cart crossed the road suddenly and as a result, the appellant lost balance and dashed on the bullock cart. The same resulted in the appellant sustaining multiple fracture in the right leg and injuries all over the body. The further case of the appellant is that this accident took place in the course of employment of the appellant with the 1st respondent. Accordingly, the application was filed seeking for payment of compensation along with interest.

3.The Insurance Company filed a counter and raised a ground that the accident had taken place only due to the rash and negligent driving on the part of the appellant and that the appellant was driving the auto under the influence of alcohol at the time of the accident and therefore the appellant is not entitled for payment of any compensation.

4.The Joint Commissioner of Labour, Vellore on considering the facts and circumstances of the case and on appreciation of evidence came to the conclusion that the appellant was under the influence of alcohol at the time of the accident and hence he is not entitled for the payment of compensation under the proviso to clause (b) of sub-section (1) of Section 3 of the Employee's



Compensation Act, 1923. Aggrieved by the same, the present appeal has been filed before this Court.

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5. Heard the learned counsel for the appellant and the learned counsel and the 2nd respondent/Insurance Company.

6. In the case in hand, the Joint Commissioner of Labour, Vellore, on appreciation of evidence and more particularly by relying upon Ex.R.1, came to a categorical conclusion that the appellant was under the influence of alcohol at the time of the accident. In view of the same, the bar provided in the Employee's Compensation Act, comes into play. Consequently, the finding of the Joint Commissioner of Labour, Vellore does not suffer from any perversity warranting the interference of this Court.

In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

28-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
KP



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N.ANAND VENKATESH J.

KP

To

The Commissioner for Workmens,
Compensation and Joint Commissioner of Labour,
Vellore.

CMA No. 56 of 2022

28-07-2026