

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A.No. 2643 of 2007

R. Chellappan

...Petitioner

Vs.

Sri.V. Dhandapani

...Respondent

Prayer: Civil Miscellaneous Appeal as against the order dated 08.02.2006 passed in W.C. No. 237 of 2005 on the file of Deputy Commissioner for Labour-II (Commissioner for Workmen's Compensation-II), Chennai 600 006.

For Appellant : Mr.A. Shanmugaraj

For Respondent : Mr.J. Ravikumar

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the claimant as against non-granting of interest on expiry of 30 days from the date of the accident, which occurred on 20.05.2004, in which he sustained injuries resulting in the filing of the claim petition.

2. On contest, the Deputy Commissioner of Labour II (Commissioner for Workmen's Compensation-II) found that the claimant is a workman and that only during the course of employment under the respondent, the accident had occurred and awarded a sum of Rs.1,76,803/-, taking Rs. 4000/- as monthly income of the workman and 40% as "loss of earning capacity". Though the appellant/workman has no grievance with regard to the quantum of compensation awarded, he is aggrieved only with regard to non-awarding of interest from the date of the accident and awarding of interest at 12% per annum, in the event of failure of the respondent to deposit the compensation amount, as per the award.

3. The appeal has been admitted on the following substantial question of law:

"Whether the Deputy Commissioner of Labour-II (Commissioner for Workmen's Compensation-II) is right in not awarding interest at the rate of 12% p.a from the date of accident under Section 4A (3) of the W.C. Act while the award was passed on merits?".

4. The issue is no longer res integra as it was already decided by Four Judges' Bench of the Honourable Apex Court in Pratap Narain Singh Deo V. Srinivas Sabata reported in (1976) 1 SCC 289 wherein the Honourable Supreme Court held that the workman is entitled to interest on expiry of 30 days of the accident. The said judgment was subsequently followed in the judgments rendered in Oriental Insurance Co. Ltd. V. Siby George ((2012) 12 SCC 540), Kerala SEB V. Valsala K. (1999) 8 SCC 254 and Saberabibi Yakubhai Shaikh and others V. National Insurance Company Limited and Others (2014) 2 SCC 298. Therefore, the question of law is answered in favour of the appellant and against the respondent. The Civil Miscellaneous Appeal is allowed and the appellant is entitled to interest on the award amount from the date of accident, which occurred on 20.05.2004. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

nv

To

Deputy Commissioner for Labour-II
(Commissioner for Workmen's Compensation-II),
Chennai 600 006.

1 CC to Mr.A. Shanmugaraj, Advocate SR.No. 495

1 CC to Mr.J. Ravikumar, Advocate SR.No. 536

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TJE (CO)
PSI (26.03.2015)