



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2015

CORAM:

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THE HONOURABLE MS.JUSTICE V.M. VELUMANI

C.M.A. (MD) No. 1590 of 2013

1. Dharmaraj
2. Durkgai Ammal

... Appellants /Claimants

Vs.

Administrative Director,
Tamil Nadu State Transport
Corporation(Madurai Division) Limited,
Byepass Road, Madurai.

.. Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 30 of Workman compensation Act, 1922 against the award dated 13.02.2013 in W.C.No.186 of 2009, on the file of the learned Commissioner for Workmen's Compensation, Labour Court, Madurai for enhancement of compensation.

For Appellant	: Mr.S.Balakarthick
For Respondent	: Ms. A.Jeyaram

J U D G M E N T

The Civil Miscellaneous Appeal is filed against the award dated 13.02.2013, passed in W.C.No.186 of 2009, on the file of the learned Commissioner for Workmen's Compensation, Labour Court, Madurai, for enhancement of compensation.

2. The appellants are claimants. They filed W.C.No.186 of 2009, on the file of Commissioner for Workmen's Compensation, Labour Court, Madurai, claiming a sum of Rs.7,00,000/-, as compensation.

3. The facts of the case are as follows:-

(a) The appellants are parents of one Balasubramanian, who was employed as Mechanic apprentice under respondent. On 21.05.2009, at about 4.30 a.m., when the said Balasubramanian was working at Tamil Nadu State Transport Corporation, Ellis Nagar, Madurai Depot, Workshop, the driver of the respondent bus drove the vehicle, bearing Regn. No.TN 58 N 0724, in a rash and negligent manner and hit the deceased. In the result the said Balasubramanian sustained multiple fatal injuries and died, on the way to hospital. The accident occurred during and in the course of employment.

(b) A case was registered in Crime No.65 of 2009. The appellants who are the parents of deceased filed W.C.No.186 of 2009, claiming a sum of Rs.7,00,000/- as compensation. According to the appellants, the deceased was earning a sum of Rs.5,000/-, which includes batta, paid by the respondents. The respondent in the statement of objection, denied that



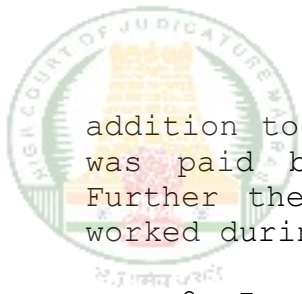
(c) The respondent stated that appellants must prove the salary and age of the deceased. According to the respondents, appellants have given wrong particulars in order to get more compensation.

The Commissioner for Workmen's Compensation, Labour Court, Madurai, considering all the materials on record granted a total compensation of Rs.1,61,886/-. Against the said order dated 13.02.2013, passed in W.C.No.186 of 2009, the appellants have filed the present appeal.

5. Per contra, the learned counsel for the respondent contended that Commissioner for Workmen's Compensation, Labour Court, Madurai, has given valid reason and has granted compensation as per the Act. Therefore, he prayed for dismissal of appeal.

7. The issue to be decided in the present appeal is as to whether the compensation awarded by the Commissioner for Workmen's Compensation, Labour Court, Madurai is just and proper compensation?

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addition to stipend. In view of the admission, I hold that the deceased was paid batta in addition to the amount received as apprentice. Further the accident took place at 4.30 a.m., that means the deceased worked during night hours also.

9. In view of the above, I hold that in addition to sum of Rs.1,440/- received by the deceased as apprentice another sum of Rs.50/- per day as batta amounting to Rs.1,500/- per month was paid to deceased. The amount received by the deceased is fixed at Rs.2,940/-. By applying formula $\text{Rs.}2940 \times 50 / 100 \times 221.37$, compensation payable comes to Rs.3,25,413.90 and it is rounded to Rs.3,25,000/-. In all other aspects, the amount awarded by the Tribunal is hereby confirmed. Therefore, the award of the Tribunal is enhanced from Rs.1,61,886/- to Rs.3,27,500/- in the following manner:-

S.No	Description	Amount awarded by Commissioner	Amount awarded by this Court	Award confirmed or enhanced or granted
1	Loss of future income	1,59,386.00	Rs.3,25,000.00	Enhanced by Rs.1,66,614/-
2.	Funeral Expenses	2,500.00	2,500.00	Confirmed
	Total	1,61,886.00	3,27,500.00	Enhanced by Rs.1,66,614/-

10. The respondent / Transport Corporation is directed to deposit the said sum of Rs.3,27,500/- (Rupees Three Lakhs Twenty Seven Thousand and Five Hundred only) to the credit of W.C.No.186 of 2009, on the file of Commissioner for Workmen's Compensation / Deputy Commissioner of Labour, Madurai, after deducting the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the appellants are permitted to withdraw their share equally, on filing application before the Tribunal.

11. In view of the above direction, the Civil Miscellaneous Appeal is disposed of . No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Commissioner for Workmen's Compensation/Labour Court, Madurai.

+1cc to Mr.S.Balakarthick,Advocate SR.No.36455

C.M.A.(MD) No. 1590 of 2013
03.07.2015

trp

NS/AN-MP/SAR AD/03.09.2015 : 3P/3C