

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

C.M.A.No.2640 of 2016

and CMP.18819/2016

N.Prabu

.. Appellant

Vs

1.R.Arul

2.The Manager,
M/s.Bajaj Allianz General Insurance Co. Ltd.,
Door No.11 (Office No.6A),
People Park, 3rd floor,
Governments Arts College Road,
Coimbatore - 641. .. Respondents

This appeal is filed under Section 30 of Employee's Compensation Act, 1923, against the judgment dated 06.05.2015, made in E.C.No.424 of 2007, on the file of the Commissioner for Employee Compensation (Deputy Commissioner of Labour - 2) Teynampet, Chennai - 1.

For Appellant : Mr.R.Jaikumar
For R2 : Mr.Michael Visuvasam

JUDGMENT

Aggrieved by the judgment of the Commissioner for Employee Compensation (Deputy Commissioner of Labour - 2), Teynampet, Chennai, made in E.C.No.424 of 2007, dated 06.05.2015, in not awarding interest, the appellant herein has filed the present appeal.

2. The only question that needs to be answered in this appeal is whether the appellant is entitled for interest after 30 days from the date of accident or from the date of the order passed by the Deputy Commission of Labour? In a similar situation, in a judgment dated 03.11.2016, made in CMA.Nos.35 and 128 of 2014, I have held thus at paragraph Nos.6 to 8:

"6. In the light of the well

settled legal position, it is made clear that the interest on the compensation amount would accrue thirty days after the date of accident and not from the date of quantification/orders passed by the Commissioner for Employees Compensation. In fact, while considering a similar issue in C.M.A.No.2733 of 2015 dated 30.11.2015 (Ravichandran v. Sadiq Hussain and others), I have also held that the interest at the rate of 12% per annum on the compensation shall accrue after thirty days from the date of accident until the date of deposit.

7. Coming to the cases on hand, Mr.A.Ramanathan, the appellant in C.M.A.No.35 of 2014, had sustained injuries during the course of employment on 23.11.2006 and the award came to be passed on 12.1.2009 in E.C.No.001 of 2007. Learned counsel for the second respondent has submitted that after receipt of the copy of the award on 2.2.2009, the compensation of Rs.2,15,352/- was deposited before the Deputy Commissioner of Labour-II, Chennai on 21.2.2009. So far as Mr.T.Palanivel, the appellant in C.M.A.No.128 of 2014, is concerned, he sustained the injuries during the course of employment on 12.12.2007 and the award came to be passed on 3.2.2010 in E.C.No.75 of 2008. Learned counsel for the second respondent has submitted that the compensation of Rs.2,39,080/- was deposited on 6.5.2010 before the Deputy Commissioner of Labour-II, Chennai.

8. In the light of the above settled legal position, this Court hereby directs the second respondent Insurance company in each case to deposit the interest at the rate of 12% per annum on the compensation awarded to the appellant/claimant after thirty days from the date of accident till the date of deposit i.e., from 23.12.2006 in the case of Mr.A.Ramanathan, the appellant in C.M.A.No.35 of 2014 and from 12.1.2008 in the case of Mr.T.Palanivel, the appellant in C.M.A.No.128 of 2014, to the credit of the E.C.Nos.001 of 2007 & 75 of 2008 respectively on the file of the Deputy Commissioner of Labour-II, Chennai

within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, it is open to the appellant/claimant in each case to withdraw the entire amount with accrued interest by moving appropriate application before the lower authority. With the above modification, the civil miscellaneous appeals are disposed of accordingly. No costs."

3. In view of the above, the second respondent Insurance Company is directed to deposit the interest at the rate of 12% per annum on the compensation awarded to the appellant/claimant after thirty days from the date of accident/injury, i.e. from 17.01.2007, till the date of deposit to the credit of the E.C.No.424 of 2007, on the file of the Commissioner of Employee Compensation (Deputy Commissioner of Labour-2), Teynampet, Chennai-1, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, it is open to the appellant/claimant to withdraw the entire amount with accrued interest by moving appropriate application before the lower authority.

4. In fine, for the reasons stated above, the Civil Miscellaneous Appeal stands allowed to the extent mentioned above. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm
To

1. Commissioner of Employee Compensation
(Deputy Commissioner of Labour-2),
Teynampet, Chennai-1,

+1cc to Mr.J. Michael Visuvasam, Advocate, S.R.No.69537
+1cc to Mr.T. T. Fenn Waltes Associates, Advocate, S.R.No.69756

usn (CO)
md(28/12/2016)

C.M.A.No.2640 of 2016