

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.11.2016
CORAM :
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM
CMA.No.752 of 2008

1.The Chairman
Tamil Nadu Electricity Board
KRR Maaligai Anna Salai
Chennai-2.

2.The Superintending Engineer
Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore - 6.

3.The Assistant Engineer
Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Banavaram, Vellore District.

... Appellants

Vs.

1.Amudha
2.Minor Vijay
3.Minor Kirupha
(minors 2 and 3 are rep by first respondent mother)

... Respondents

PRAYER : Petition filed under Section 30 of Workmen Compensation Act, against the judgment and decree dated 01.11.2007 made in WC.No.221 of 2004 on the file of the Deputy Commissioner of Labour-I, Chennai.

For appellants : Mr.V.Viswanathan
For respondents : Mr.M.Rajendran.

JUDGMENT

The Civil Miscellaneous Appeal is filed against the order dated 01.11.2007 made in WC.No.221 of 2004 on the file of the Deputy Commissioner of Labour-I, Chennai.

2.The learned counsel for the appellant mainly contended that the deceased is not an employee of Tamil Nadu Electricity Board and he is only a private employee (coolie). The Electricity Board is not at all liable to pay any compensation to the claimants. The Tribunal without application of mind awarded compensation to the claimants and directed the appellants/Electricity Board to deposit the said award amount. It is further contended that the amount awarded by the Tribunal

is too excessive and prays to allow the appeal and to set aside the order of the Tribunal.

3.The learned counsel for the respondent would mainly contend before the Tribunal and it is clear that the deceased was working as a contract labourer under the Tamil Nadu Electricity Board and during the course of his employment he was died and the respondents are liable to pay the compensation and after considering the wages and age of the deceased, the Tribunal has awarded appropriate compensation and there is no illegality or infirmity in the order of the trial Court and prays for dismissal of the appeal.

4.This Court heard the arguments of both sides and perused the entire records.

5.On careful perusal of the records, it is clearly proved that the deceased was working as a contract labourer under the Tamil Nadu Electricity Board and during the course of employment he was fallen down from the pillar post and subsequently died. The appellants/Board is liable to pay the compensation under the Workmen Compensation Act, to the legal heirs of the deceased/claimants. Upon considering the wages paid to the contract labourers, the Tribunal fixed appropriate compensation to the claimants, the award cannot be treated as excessive as claimed by the appellants. In view of the same, this Court is of the considered view that the trial Court awarded just compensation to the legal heirs of the deceased/claimants. This Court finds there is no illegality, infirmity or perversity in the award passed by the Tribunal, and the judgment and decree passed by the Tribunal does not warrant any interference by this Court.

6.In the result, the civil miscellaneous appeal stands dismissed. No costs.

सत्यमेव जयते
-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Deputy Commissioner of Labour-I, Chennai.

copy to

The Section Officer
VR Section
High Court, Madras

+1 cc to M/s.V.Viswanathan Advocate sr 68586

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