



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

Coram:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.485 of 2016

and

M.P(MD)No.6227 of 2016

V.Chellamuthu

.. Appellant/1st Respondent

-Vs-

1.D.Tamil @ Tamilarasi

2.P.Kathiresan

3.Palanisamy

.. Respondents/Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 30 of the Workmen Compensation Act against the award, dated 18.05.2012 made in W.C.No.124 of 2007 passed by the Deputy Commissioner of Labour for Workmen Compensation, Trichy.

For Appellant	: Mr.A.Haja Mohideen
For R - 1	: Mr.J.Anand Kumar

JUDGMENT

The Civil Miscellaneous Appeal has been preferred against the award, dated 18.05.2012 made in W.C.No.124 of 2007 passed by the Deputy Commissioner of Labour for Workmen Compensation, Trichy.

2.It is a case of an injury, which took place in an accident on 11.03.2006 at 15.30 hours in a concrete mixture machine. The first respondent, who was a labourer, was in job in the concrete mixture machine and at that time, met with an unfortunate accident and sustained grievous injuries. The first respondent/claimant filed an application before the Deputy Commissioner of Labour for Workmen Compensation, Tiruchirappalli and the competent authority under the Workmen Compensation Act, considering the facts and circumstances of the case, awarded a sum of Rs.1,46,772/- towards total compensation. Against which, the principal employer filed the present appeal challenging the compensation granted by the competent authority under the Workmen Compensation Act.

3.The main ground raised by the learned counsel for the appellant is that the second respondent is the contractor and the claimant/first respondent was under the control of the third respondent and therefore, the respondents 2 and 3 are also to be

held liable to share the compensation.

4. Admittedly, the appellant is the owner of the building and was the principal employer as far as the second respondent was concerned and the third respondent was only a sub-contractor under the control of the second respondent and in building activities, those persons cannot be purely called as a contractor, but as a head of the labourers. The appellant being the owner of the building and appointed the second respondent as an authorized contractor to verify the construction works. The findings of the competent authority under the Workmen Compensation Act that the principal employer alone is to be fixed liability is a right decision, and this Court is not inclined to intervene with the findings of the Tribunal in this aspect. In all such cases, Mastries, head of labourers and a sub-contractor need not be held liable unless it is proved for contribution for a negligence. In all other circumstances, principal employer, namely, the owner of the building alone is liable for the accident and for the payment of compensation to the victims. Accordingly, this Court is not inclined to appreciate the ground raised in the present appeal and the same is devoid of merits and the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(csii)

/True Copy/

Sub Assistant Registrar

ps

To

The Deputy Commissioner of Labour
for Workmen Compensation,
Trichy.

+1cc to Mr.A.Haja Mohideen, Advocate Sr.No. 70824

+1cc to Mr.J.Anand Kumar Advocate Sr.No. 70829

JAM/08.12.16/SK-SKN/ 2p-4c

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