



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD) No.518 of 2016

and

CMP(MD)No.6427 of 2016

1.The Managing Director,
Tamil Nadu State Express Transport
Corporation Ltd.,
Thiruvalluvar House,
Pallavan Salai,
Chennai.

2.The Branch Manager,
Tamil Nadu State Express Transport
Corporation Ltd.,
Trichy.

: Appellants/Respondents

Vs

R.Saravanan : Respondent/Claimant

Prayer : Civil Miscellaneous Appeal is filed under Section 30 of the Workmen Compensation Act against the order passed in W.C.No.270 of 2007 on the file of the learned Deputy Commissioner of Labour, Trichy, dated 22.09.2010.

For Appellants : Mr.K.Sudalaiyandi

For respondent : Mr.S.Arunachalam

JUDGMENT

Challenging the award passed by the Deputy Commissioner of Labour for Workmen Compensation, Tiruchirappalli in W.C.No.270 of 2007, dated 22.09.2010, the Transport Corporation has preferred the present appeal.

2.The case of the claimant is that on 19.09.2006 when he was working as a conductor in the bus bearing registration No.TN-01-N-6281, the driver drove the bus in a rash and negligent manner and dashed against the stationary tractor-cum-trailer bearing registration No. TN-32-A-8395 and TN-32-A-8397 near Veppur. Due to the accident, he sustained grievous injuries. He filed a petition claiming compensation of Rs.10,00,000/-.



3.The appellant Transport Corporation opposed the claim petition contending that the claimant was working as a casual labourer in the Transport corporation and he was not appointed as a conductor in the bus. Since there is no employer and employee relationship between them, the Transport corporation is not liable to pay the compensation.

4.Heard both sides and perused the materials placed before this court.

5.The Appellant has not disputed the fact that the claimant was working as conductor in the bus at the time of the accident. The accident had taken place during the course of the employment and based on the evidence of PW1 and Ex.P1, the Deputy Commissioner of Workmen Compensation, Trichy has rightly held that the claimant is entitled for compensation.

6.PW2 Dr.V.R.Ravi has given evidence stating that the claimant sustained fracture on the left leg and a steel plate was implanted and due to the fracture, the movement of the leg is restricted to 15 degree and that he suffered 60% disability. However, the Deputy Commissioner of Labour has held that the claimant has sustained 53% disability and awarded compensation of Rs.2,36,568/-. The award of the Deputy Commission of Labour is based on evidence and there is no substantial question of law arises for consideration by this court.

7.In the result, the appeal is dismissed. However, no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

THE DEPUTY COMMISSIONER OF LABOUR FOR
WORKMAN COMPENSATION, TRICHY

+1 cc to MR.K.SUDALAIYANDI, Advocate SR.No.34245

Judgment made in
CMA (MD) No.518 of 2016
and
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