

CMP NO.3356 OF 2017
IN CMA NO.563 OF 2003

S.MANIKUMAR, J.
AND
M.GOVINDARAJ, J.

(ORDER OF THE COURT WAS MADE BY S.MANIKUMAR, J.)

Arising out of an accident, which occurred on 03.04.1998, five workmen have filed compensation claims in W.C.Nos.77 of 2001, 227 of 1998, 230 of 1998, 327 of 1998 and 328 of 1998, respectively, on the file of Commissioner for Workmen's Compensation, Deputy Commissioner of Labour, Madurai. As fact and evidence were common, they were taken up together, and vide a common order, dated 16.04.2002, the Deputy Commissioner of Labour, Madurai, fastened liability on National Insurance Company Limited, Madurai, to pay compensation.

2. By impleading the owner of the vehicle, involved in the accident, insurer - National Insurance Company Limited, Madurai, has filed appeals in C.M.A.Nos.559 to 563 of 2003, challenging liability, fastened on the insurance company. After hearing the rival contentions of the insurance company and the owner, vide a common judgment in

C.M.A.Nos.559 to 563 of 2003, dated 05.12.2003, a Hon'ble Division Bench of this Court, allowed the appeals, filed by the insurance company and consequently, set aside the common order of the Deputy Commissioner of Labour, fastening liability on the insurance company, and further held that, claimants therein, were entitled to recover the amount awarded, from the owner of the vehicle.

3. Being aggrieved by the directions to pay compensation, S.M.Sharmila, owner of the vehicle, bearing Registration No.TN01-B-1566 filed SLP (Civil) Nos.5334 to 5338 of 2004, against the insurance company and others.

4. Before the Hon'ble Supreme Court, in SLP (Civil) Nos.5334 to 5338 of 2004, S.M.Sharmila, has filed an affidavit, stating that, as per the directions of the Hon'ble Supreme Court, in SLP (Civil) Nos.5334 to 5338 of 2004, she has deposited the following amounts, by way of demand drafts, in favour of the Registrar General, High Court, Madras, details of which are extracted hereunder:-

<i>Sl.No.</i>	<i>Amount</i>	<i>D.D.No.</i>	<i>In CMA No.</i>	<i>W.C.No.</i>
<i>A</i>	<i>Rs.65,073/-</i>	<i>421185</i>	<i>559 of 2003</i>	<i>77 of 2001</i>
<i>B</i>	<i>Rs.12,814/-</i>	<i>421186</i>	<i>560 of 2003</i>	<i>237 of 1998</i>
<i>C</i>	<i>Rs.98,683/-</i>	<i>421187</i>	<i>561 of 2003</i>	<i>230 of 1998</i>
<i>D</i>	<i>Rs.2,08,980/-</i>	<i>421188</i>	<i>562 of 2003</i>	<i>327 of 1998</i>
<i>E</i>	<i>Rs.1,90,560/-</i>	<i>421189</i>	<i>563 of 2003</i>	<i>328 of 1998</i>

5. SLP (Civil) Nos.5334 to 5338 of 2008, have been converted into, Civil Appeal Nos.7170 to 7174 of 2005. Subsequently, vide common judgment, dated 31.01.2012, the said Civil Appeals have been dismissed by the Hon'ble Supreme Court, confirming the decision of this Court. On dismissal of the Civil Appeals, preferred by S.M.Sharmila, owner of the vehicle, liability of owner of the vehicle, to pay compensation has reached finality.

6. A sum of Rs.1,90,560/- (Rupees One Lakh Ninety Thousand Five Hundred and Sixty Only) has been ordered to be paid, by way of compensation, to the wife of the deceased, in W.C.No.328 of 1998. The said amount has been deposited, vide D.D.No.421189, drawn on Corporation Bank, Whites Road Branch, Chennai, dated 19.04.2004, in the

name of the Registrar General, High Court, Madras, which is now lying, in the credit of C.M.A.No.563 of 2003.

7. As the appeal preferred by the owner has been dismissed, wife of the deceased / claimant in W.C.No.328 of 1998, has sought for a direction to the Registrar General, High Court, Madras, to make payment of the said sum, to her.

8. It is also brought to the notice of this Court that the Joint Registrar (Appellate Side) High Court, Madras, has issued a Certificate of Funds, to the wife of the deceased, in W.C.No.328 of 1998, as hereunder:

"I hereby certify that there is now standing to the credit of the above matter the amount as detailed hereunder.

<i>Amount</i>	<i>Party to whose account the amounts stands</i>	<i>Attachments if any</i>	<i>Remarks</i>

Rs.1,90,560/- (Rupees One lakh ninety thousand five hundred and sixty only) now standing to the credit of CMA No.563/2003, as Court deposit which bears no interest. "

9. On the prayer in C.M.P.No.3356 of 2017 in C.M.A.No.563 of 2003, for a direction to the Registrar General, High Court, Madras, to make payment of Rs.1,90,560/-, as confirmed in C.M.A.No.563 of 2003 against order in W.C.No.328 of 1998, Mr.M.B.Raghavan, learned counsel for the National Insurance Company Limited, Madurai, respondent no.1, has no objection. His statement is placed on record.

10. Though the name of the owner and Mr.Rajeshvivekanandan, learned counsel for the owner, has been shown in today's cause list, there is no appearance. As liability to pay compensation by the owner, has reached finality, compensation amount already deposited, has to be disbursed.

11. Accordingly, there shall be a direction to the Registrar General, High Court, Madras, to make payment of Rs.1,90,560/- (Rupees One Lakh Ninety Thousand Five Hundred and Sixty Only) to the wife of the deceased, after verification, and proper identity, before on 22.06.2017. Learned counsel for the petitioner in C.M.P.No.3356 of 2017, shall furnish necessary details to the Registry, to facilitate compliance.

12. As per the Registry's note, compensation amount has been deposited in the Current Account, in Reserve Bank of India, and the same did not fetch any interest. The reason for depositing in Reserve Bank of India, appears to be that, there was no direction by the Hon'ble Supreme Court, to deposit in a Nationalised Bank.

13. The Joint Registrar, Appellate Side, High Court, Madras was summoned, to enquire, as to why the compensation amount, did not fetch any interest, for which, he has given reason that inasmuch as there was no direction by the Court to deposit in a Nationalised Bank, in Savings Bank account, as per the procedure followed, deposit was made in Reserve Bank of India, in current account, which does not fetch any interest.

14. As per Rule 10 of the Workmen's Compensation Rules, 1924, whenever the Commissioner of Labour determines compensation, the amount has to be deposited with the Commissioner, in turn, would be invested for the benefit of the dependants of the deceased workman in Government Securities or Post Office Cash Certificates, or may be deposited in a Post Office Savings Bank, which would fetch interest.

Workmen's Compensation Act and the Rules made thereunder, being a beneficial legislation, injured / legal representatives of the deceased, should have the benefit of the accruing interest and that is why the Legislature has thought it fit to direct the Commissioner of Labour to deposit in Postal Savings Scheme.

15. Legislature, being beneficiary, we are of the view that whenever deposits are directed to be made by the High Court, in matters relating to Workmen's Compensation Act and Rules, deposit should be made in a Nationalised Bank, or under Postal Savings Scheme, whichever fetches the higher rate of interest. In event of the decision, in favour of the workmen, confirming the quantum, or even in the matter of reduction, the workmen only benefited, with the proportionate interest, on the deposit. So also, if the employer or the insurance company succeeds, in entirety, including the challenge to the quantum of compensation, or reduction, as the case may be, the employer / insurance company, as the case may be, would earn interest from the deposit. If the deposit has to be only in Current Account, with the Reserve Bank of India, money is impede in lock up, without any interest, which is not going to benefit the workmen / employer / insurance company.

16. Having regard to the procedure envisaged in the Workmen's Compensation Act, 1923, and in the interest of justice, we hereby directed that hitherto, in the matter of deposits, by this Court, under the Workmen's Compensation Act, Registrar of this Court, should deposit the amount, in a Savings Bank account, in a Nationalised Bank, as ordered by this Court.

17. The Civil Miscellaneous Petition is disposed of with the above direction.

[S.M.K., J.]

[M.G.R., J.]

14.06.2017

Note:

- 1) Copy to the Registrar General, High Court, Madras.
- for necessary action.
- 2) Issue order copy on 15.06.2017

TK

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