

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.02.2017
CORAM:
THE HONOURABLE Dr. JUSTICE S.VIMALA
C.M.A.No.321 of 2017

P.Meenaraj

... Appellant

versus

1. P.Adigurusamy

2. Bajaj Allianz Insurance Co. Ltd.,
No.25/26, Prince Towers,
4th Floor, Nungambakkam,
Chennai - 600 034.

... Respondents

Prayer : This Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the Judgment and Decree dated 19.10.2015 made in W.C.No.549 of 2010 on the file of the Commissioner for Workmen's Compensation-II (Deputy Commissioner of Labour-II), Chennai.

For Appellant : Mr.K.Varadha Kamaraj

JUDGMENT

The appellant/applicant P.Meenaraj, claiming that he was an employee under the 1st respondent and suffered injuries in the course of employment, filed the claim petition No.549 of 2010 under Section 10[1] of the Employee's Compensation Act, 1923, before the Commissioner for Workmen's Compensation-II (Deputy Commissioner of Labour-II), Chennai.

2.The Commissioner awarded a sum of Rs.4,76,898/- as compensation to the applicant with a direction to the 2nd respondent/Insurance Company to deposit/pay that amount within a period of 30 days from the date of receipt of a copy of the order, [date of order being 19.10.2015] failing which, to pay interest at the rate of 12% p.a. after the expiry of 30 days from the date of accident, i.e., after the expiry of 30 days from 29.05.2010 till the date of deposit.

3.From which date, the interest falls due, i.e., on the quantum of compensation payable, which is the relevant date for commencement of payment of interest i.e., whether it is from the date of accident or it is the date on which there was determination/adjudication on the quantum of compensation payable, or it is after the expiry of 30 days from the date of accident date, is the issue raised in this appeal.

4.The legality of the order permitting the respondents to pay the awarded amount without interest, i.e., to pay the award amount within a period of 30 days from the date of receipt of a copy of the order, [date of order being 19.10.2015] failing

which, to pay interest at the rate of 12% p.a. after the expiry of 30 days from the date of accident, i.e., after the expiry of 30 days from 29.05.2010, is under challenge in this appeal.

5.The issue in the present case is whether the workman is entitled to interest on the expiry of 30 days from date of accident or as ordered by the Tribunal, i.e., on expiry of 30 days from the date of receipt of the order by the respondents.

6.While considering similar issue in the case of M.Rajamanickam Vs G.Shivasankar and Another [C.M.A.No.166 of 2014], this Court held as follows:

"15.The decision of the Hon'ble Supreme Court in Pratap Narain Singh Deo. Vs. Shrinivas Sabata and Anr. [AIR 1976 SC 222], which has been delivered by the four Judge bench of the Hon'ble Supreme Court, has not been overruled so far. Thus, the legal position is clear that the liability to pay compensation arises on the date of accident and when it is not paid within the statutory period of 30 days, then the liability to pay interest commences, after the expiry of 30 days from the date of accident.

16.Permitting the employer to pay interest only after adjudication of the claim would pre-empt the employer to avoid/delay the payment, which would include the payment of provisional interest. The liability to pay interest at the earliest point of time would make the employer prompt enough to settle the claim for compensation, in order to avoid unnecessary payment of interest."

(Emphasis supplied)

7.Therefore, it is clear from the said order that the workman is entitled to interest after the expiry of 30 days from the date of the accident.

8.Following the decision referred supra, this Court is inclined to allow this appeal. In the result, the appeal is allowed, directing grant of interest on the amount of compensation ordered from the expiry of 30 days from the date of accident. Substantial question of law is answered in the above terms.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. M/s. Bajaj Allianz Insurance Co. Ltd.,
No.25/26, Prince Towers,
4th Floor, Nungambakkam,
Chennai - 600 034.

2. The Commissioner for Workmen's Compensation-II
(Deputy Commissioner of Labour-II), Chennai.

+1cc to Mr.K.Varadha Kamaraj, Advocate Sr.No.11893

SS(CO)
sm:25.4.2018

C.M.A.No.321 of 2017



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