

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2017

C O R A M

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.M.A.No.345 of 2017

Suriyakala ... Appellant/Claimant

/vs/

1 . A.Raju

2 . The Branch Manager,
United India Insurance Company Ltd.,
Silingi Building, 4th floor,
No.134, Greams Road, Chennai-6. ...Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 30 of Workmen Compensation Act, 1923 against the judgment and decree in E.C.No.230 of 2014 on the file of the Commissioner for Workmen's Compensation-2 (Deputy Commissioner of Labour-2), Chennai, dated 10.08.2015.

For Appellant ... Mr.K.Varadha Kamaraj

For 1st Respondent ... Mr.Srinivasa Ramalingam

For 2nd Respondent ... Ex-parte

J U D G M E N T

The appellant is the claimant in W.C.No.230 of 2014 before the Deputy Commissioner of Labour-2. The claim is made with respect to the compensation for the death of the claimant's husband, who died during the course of employment and out of the employment. The claim was made for Rs.10,00,000/-. The Labour Court had awarded Rs.7,35,915/-.

2. Though the appeal has been filed for the disallowed portion, the learned Counsel appearing for the appellant restricted his argument only to the award of interest which has not been given on the said sum from the date of making the claim.

3. The Deputy Commissioner (Labour-2) had awarded the above said compensation without interest and directed the respondent to deposit the sum within 30 days from the date of the order, failing which, the respondent had to pay 12% interest

on the said sum.

4. The learned Counsel appearing for the 1st respondent fairly conceded that as per the decision of the Honourable Supreme Court of India in *Saberabibi Yakubhai Shaikh and others Vs National Insurance Company Ltd. and others* reported in 2014 (1) TN MAC 25 (SC), wherein the Honourable Supreme Court of India has stated that the interest on the compensation should be payable from the date of accident. The relevant portion is extracted as hereunder:

"WORKMEN'S COMPENSATION ACT, 1923 (8 OF 1923), Section 4-A(3) - Interest on Compensation - Payment of -Relevant date - Date of accident and not date of Award - High Court awarding interest from date of award placing reliance upon Apex Court decisions in *Satnam Singh, Mubassir Ahmed and Mohd. Nasir* rendered without considering Four-Judge Bench decision in *Pratab Narain Singh Deo*, holding that interest on Compensation payable from date of accident - Fourt-Judge Bench decision followed in *Siby George* - Order of High Court set aside - Appellants, held entitled to interest of 12% p.a. From date of accident.

In view of the above settled position of law and the concession made by the learned Counsel for the 1st respondent, the appellant is entitled for 12% interest from the date of the accident till the date of deposit.

5. In view of the above, the Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst/tsi

To

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

+1cc to Mr.Varadha Kamaraj, Advocate, S.R.No.14519
+1cc to Mr.Srinivasan Ramalingam, Advocate, S.R.No.14562

KGK (CO)
RS (20/03/2017)

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