

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

C.M.A.No.768 of 2017

1. Jeeva Jothi
2. Dhuban (Minor)
3. Kamaleswari (Minor)
(Minor petitioners 2 and 3 are rep by their
mother and next friend Jeeva Jothi) Appellants/
Petitioners

vs

1. Radhakrishnan
2. The Oriental Insurance Co.Ltd
Oriental House, 2nd Floor,
Old No.115, New No.216,
Prakasam Salai, Broadway,
Chennai 600 108
3. M/s.Chennai Metro Water Supply and Sewage Board,
Rep by its Chairman
No.1, Pumping Station Road,
Chintadripet,
Chennai - 2 Respondents/
Respondents

Appeal filed under Section 30 of the Workmen Compensation Act, 1923 against the order dated 16.02.2015 made in W.C.No.147 of 2013 on the file of the Commissioner for Workmen's Compensation-II (Deputy Commissioner of Labour-II) Chennai.

For Appellant : Mr. K.Varadha Kamaraj
For Respondent-2 : Mrs.R.Sreevidha

J U D G M E N T

The claimant in W.C.No.147 of 2013 has preferred the above appeal on the following question of law:

"Has not the learned Commissioner committed error in not granting interest of 12% on award amount in terms of Section 4-A(3)(a) of the Workmen's Compensation Act ? "

2. The accident occurred on 24.04.2012 while the deceased Palanisamy was digging a pit with the help of an iron bar for the purpose of the metro water pipeline connection. During execution of the work, he was electrocuted by touching the underground electric cable and he died. Hence, the claimants

approached the Deputy Commissioner of Labour-II for Workmen's Compensation at Chennai with a claim of Rs.15,00,000/- as compensation. The Labour Commissioner has awarded a sum of Rs.7,83,560/- as compensation.

3. After assessing the award amount, the Labour Commissioner has not awarded 12% of interest in terms of Section 4-A(3)(a) of the Workmen's Compensation Act-1923. The Commissioner has only awarded interest payable in case of default, whereas it is settled law that the interest on the award amount is payable 30 days after the date of accident, in which, the claimant sustained injuries.

4. The learned counsel for the appellant has also placed his reliance on a decision of a Division Bench of this Court reported in 2010 (2) TNMAC 80 (DB) (N.GANESAN -VS- THILAGAVATHI AND ANOTHER) and para 27 therein reads as follows:

"27. In the result, the reference is answered as follows:-

i. The word "falls due" occurring under Section 4-A of the Workmen's Compensation Act, 1923 in the light of the ratio laid down in the Larger Bench decision of the Hon'ble Supreme Court of India reported in Pratap Narain Singh Deo v. Srinivas Sabata and another, 1976(1) SCC 289 and Kerala State Electricity Board v. Valsala, K., 2000 ACJ 5 (SC), means that interest for compensation amount would accrue 30 days after the date of the accident and not from the date of quantification/orders passed by the Commissioner for Workmen's Compensation."

5. In view of the above decision of this Court, the appellant is entitled for interest on the compensation payable 30 days after the date of accident (i.e) from 24.05.2012.

6. With the above modification in the award of the Tribunal, this appeal is allowed. No costs.

Sd/-
Asst. Registrar (CCC)

/true copy/

Sub Asst. Registrar

srn

To

1. The Commissioner for Workmen's Compensation-II
(Deputy Commissioner of Labour-II) Chennai.
2. The Record Keeper,
V.R.Section, High Court, Madras.

+1cc to Mr.K. Varadhakamaraj, Advocate Sr. 18148
+1cc to Mr.R. Sreevidhya, Advocate Sr. 18444

C.M.A.No.768 of 2017

SVI (CO)
VR(06/04/2017)



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