

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.1330 of 2006

S.Rasammal

... Appellant/Applicant

Vs.

1. S.Bhaskaran
2. Sayee Chennai Company
C/O.Henkel SPIC India Limited,
No.444/3-A, 2nd Street,
Ekambara Naicker Industrial Estate,
Alappakkam, Porur, Chennai-600 116.
3. Henkel SPIC India Ltd.,
No.444/3-A, 2nd Street,
Ekambara Naicker Industrial Estate,
Alapakam, Porur, Chennai-600 116.

... Respondents/Opposite Parties

Prayer : Civil Miscellaneous Appeal filed under Order 30 of the W.C. Act 1923 to set aside the order dated 25.04.2005 in W.C.No.263 of 1999 on the file of the Deputy Commissioner of Labour - I (Commissioner for Workmen's Compensation - I), Chennai - 600 006 and pass an award for a sum of Rs.2,19,950/- against the respondents payable by the first and third respondent with interest at the rate of 12% p.a from the date of accident and the same has been received by the Applicant on 23.08.2005.

For Appellant : Mr.A.Shanmugaraj
For Respondent : No appearance for R2 & R3

WEB COPY
J U D G M E N T

Aggrieved by the award of the Deputy Commissioner of Labour - I (Commissioner for Workmen's Compensation - I), appellant/claimant has preferred the above appeal. The grievance of the appellant is that the Commissioner for Workmen Compensation ought to have awarded interest on the award amount from the date of accident and not from the date of order passed by him.

2.The issue involved in this appeal is settled by a decision of the Larger Bench of the Hon'ble Supreme Court in Pratap Narain Singh Deo vs Shrinivas Sabata and another reported in 1976 A.C.J.141, wherein, the Hon'ble Supreme Court has held that if the word "falls due" as specified under Section 4-A of the Employee's Compensation Act, 1923, denotes the date of accident and not the date of order passed by the authority, the claimant is entitled for interest after 30 days from the date of accident.

3. The principle is well settled by the Hon'ble Supreme Court and the authority should have ordered interest from the date the amount falls due (i.e) 30 days after the accident. But, in the impugned order, the authority has awarded interest from the date of order.

4. Since, the issue is well settled by the Hon'ble Supreme Court, the impugned order dated 25.04.2005 passed by the Deputy Commissioner of Labour - I (Commissioner for Workmen's Compensation - I) is set aside insofar as the award of interest alone. The respondents 1 and 3 are directed to deposit the interest portion after 30 days from the date of accident at 12% per annum within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

asi/smn

To

The Deputy Commissioner of Labour - I
(Commissioner for Workmen's Compensation - I),
Chennai-6.

+1cc to Mr.A.Shanmugaraj, Advocate SR.No.71875

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PVS (CO)
GN(28/12/2017)