

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.3732 of 2013

Selvi Panchavarnam

... Appellant

Vs.

1.Shanmugam

(R1 remained ex-parte
before the forum)

2.The New India Assurance Co.Ltd.,

92, East Coast Chambers, First Floor,
GN Chetty Road, T.Nagar,
Chennai - 600 017.

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Order 30 of the Workmen's Compensation Act, 1923, to set aside the award dated 18.12.2009 and made in W.C.No.243 of 2007 on the file of the Deputy Commissioner of Labour - I.

For Appellant : Mr.F.Terry Chellaraja

For RespondentNo.2 : Mr.C.Ramesh Babu

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/claimant 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 in default of deposit of award amount within 30 days from the date of order.

4. Since, the issue is well settled by the Hon'ble Supreme Court, the impugned order dated 18.12.2009 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 second respondent is directed to deposit the interest portion 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(CS VI)

//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.C.Ramesh Babu, Advocate, S.R.No.31398
+1cc to Mr.M.Malar, Advocate, S.R.No.71835

सत्यमेव जयते

C.M.A.No.3732 of 2013

AD(CO)
GN(07/11/2017)

WEB COPY