

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 25-10-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NPD.No.3380 OF 2003

Sampathkumar

...

Appellant

-VS-

The Managing Director,
Tamil Nadu State Express
Transport Corporation Ltd.,
Chennai-2.

...

Respondent

Appeal against the order, dated 22.10.2002, made in W.C.No.164 of 2001 on the file of the Commissioner for Workmen's Compensation and Deputy Commissioner of Labour, Salem.

For appellant : Mr.N.Manokaran

For respondent : Mr.Munirathnam

JUDGMENT

Appellant is the claimant before the Commissioner for Workmen's Compensation, Salem. For the injuries sustained by the appellant, a sum of Rs.1,36,973/- was awarded by the authority.

questions of law :

"1. Whether the finding of the Commissioner in fixing the monthly income as Rs.2000/- is correct, especially when the appellant has produced Ex.A-6 Salary Certificate for Rs.6205/-.

2. Whether the appellant is entitled to claim interest on the compensation amount due under the Act within one month from the date it fell due under Section 4-A (3) of the Act ?"

3. In so far as the first question of law is concerned, the authority has fixed the income of the claimant at Rs.2,000/- per month as per Section 4 of the Workmen's Compensation Act, 1923. The authority assessed disability and loss of earning capacity at 80% and applied the factor of 142.68. Accordingly, the authority computed the compensation and fixed the same at Rs.1,36,973/-. When there is a statutory restriction to take monthly income at Rs.2000/-, the authority cannot apply total income of the claimant for the purpose of computation. Since the authority has acted in accordance with the legal provisions of the Act and there is no error in computation of compensation, this question of law raised by the appellant is answered against him.

4. Coming to the second question of law, it is well settled that the claimant under the Workmen's Compensation Act, 1923, is entitled to get interest from the 31st day of the accident as per Section 4 (A) of the Act, whereas, in the instant case, the authority directed the respondent to deposit the compensation amount within 30 days, failing which, interest at the rate of 12% per annum was awarded.

5. A Larger Bench of the Hon'ble Supreme Court in *Pratap Narain Singh Deo v. Srinivas Sabata and Another*, 1976 (1) SCC 289, has clearly held that interest for compensation amount would accrue 30 days after the date of the accident and not from the date of order passed by the Commissioner for Workmen's Compensation. The said ratio has been followed by a Division Bench of this Court in a batch of cases in C.M.A.No.823 of 2001 (*N.Ganesan v. Thilagavathi and Another*), reported in 2010 (2) TN MAC 80 (DB). Therefore, it is manifest that the claimant is entitled to interest from the 31st day of the accident.

6. Learned counsel for the respondent would submit that the respondent has deposited the entire amount of compensation. In view of the statutory provision and also the judgments referred to supra on the point of interest, the respondent is directed to deposit the interest amount accrued from 30 days after the date of the accident till the date of deposit on the compensation awarded, within a period of eight weeks from the date of receipt of a copy of this order.

7. Civil Miscellaneous Appeal is disposed of accordingly. No costs

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Index : Yes/No

Internet : Yes/No

dixit

To

1.The Managing Director,
Tamil Nadu State Express
Transport Corporation Ltd.,
Chennai-2.

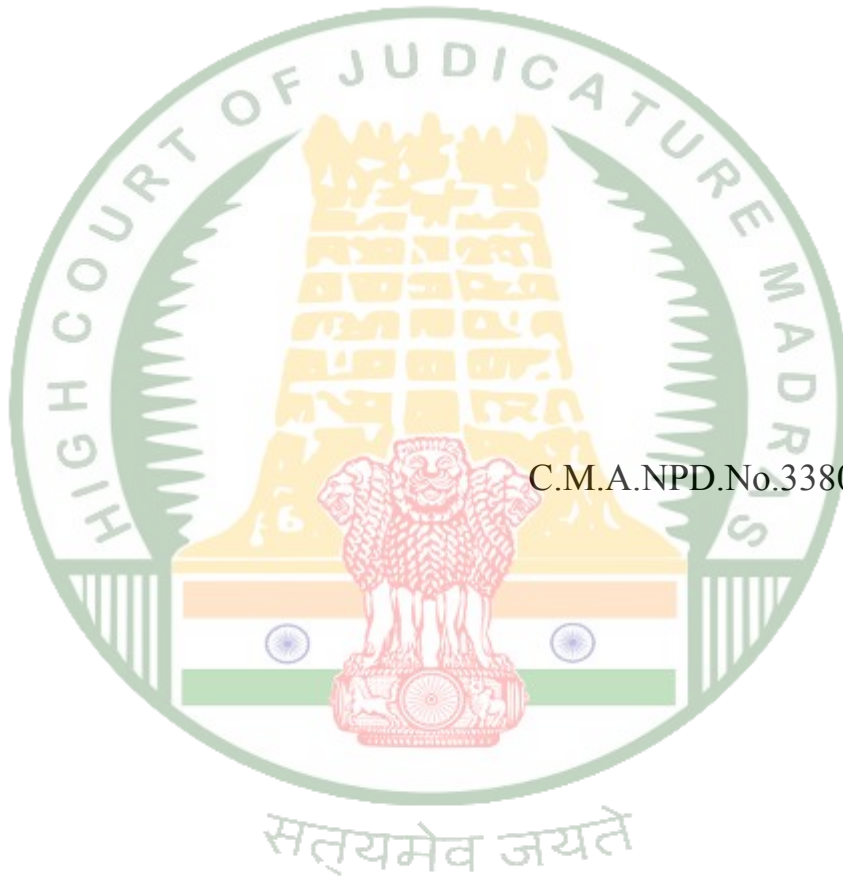
2. Commissioner for Workmen's Compensation
and Deputy Commissioner of Labour,
Salem.



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M.GOVINDARAJ,J.

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