



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

C.M.A(MD)No.304 of 2017

and

C.M.P(MD)No.3595 of 2017

1.V.Parvathi
2.Piramanayagam @ Durai ... Appellants/Respondents

Vs.

1.S.Lakshmi
2.Minor Esakkiammal
3.Minor Selva Ganapathy
4.Minor Manikandan
5.R.Pappu Thevar
6.P.Chellammal ... Respondents/Petitioners

(Minor respondents 2 to 4 are represented by their mother and guardian, the first respondent - S.Lakshmi.)

PRAYER: Appeal filed under Section 30(1) of the Workman Compensation Act, against the judgment and decree dated 11.07.2016 passed in W.C.No.10 of 2011 by the Deputy Commissioner of Labour, Tirunelveli.

For Appellants : Mr.C.Sankar Prakash

* * * * *

JUDGMENT

Challenging the award under the Workman's Compensation Act, the employers are on appeal.

2. It is an admitted case that one Sankar, who was employed as a driver for the Tractor owned by the appellants, died in the motor accident that took place on 01.07.2010 while he was in employment. The claimants, who are the wife, children and parents of the deceased had filed W.C.No.10 of 2011 claiming a sum of Rs.5,00,000/- (Rupees Five Lakhs only) towards compensation.

3. The appellants, namely, owners of the Tractor had resisted the claim on various grounds including the denial of employment.

4. The Deputy Commissioner of Labour found that even in the P.I.R which was marked as Ex.P.1, the second appellant admitted that the deceased was employed as a driver in the Tractor



belonging to the appellants. The Deputy Commissioner of Labour accepted the case of the claimants regarding employment and awarded a sum of Rs.5,65,457/- (Rupees Five Lakhs Sixty Five Thousand Four Hundred and Fifty Seven only).

5. Mr.C.Sankar Prakash, learned Counsel for the appellants/ employers would contend that while the claimants themselves claimed only a sum of Rs.5,00,000/- (Rupees Five Lakhs only) on the basis that the deceased was drawing a salary of Rs.5,000/- (Rupees Five Thousand only), the Deputy Commissioner of Labour erred in fixing the salary at Rs.5,966/- (Rupees Five Thousand Nine Hundred and Sixty Six only) and granting the compensation of Rs.5,65,457/- (Rupees Five Lakhs Sixty Five Thousand Four Hundred and Fifty Seven only).

6. I am unable to agree with the said submission of the learned Counsel for the appellants. The Workmen's Compensation Act provides a method for calculating the compensation and the said calculation has been adopted by the Deputy Commissioner of Labour.

7. Therefore, I do not find any illegality or irregularity in the method adopted by the Deputy Commissioner of Labour to arrive at the compensation for the death of the said Sankar in the accident. The other particulars, namely, age, etc., of the deceased are not seriously disputed. Therefore, I do not find any ground to interfere with the award of the Deputy Commissioner of Labour and no question of law also arises for consideration in this appeal.

8. In the result, this Civil Miscellaneous Appeal is dismissed at the admission stage itself. No costs. Consequently, the connected civil miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

The Deputy Commissioner of Labour, Tirunelveli.

+1 CC to M/s.C.SANKAR PRAKASH, Advocate, SR No. 52280

RSB

PSM/SV-MMS/SAR3/27.04.2017/2P/3C

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