



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

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C.M.A (MD) No.411 of 2017

1. The Managing Director,
Tamil Nadu State Express Transport
Corporation Limited,
Chennai.
2. The Branch Manager,
Tamil Nadu State Express Transport,
Corporation Limited,
Railway Station Road,
Kumbakonam.
3. The Branch Manager,
Tamil Nadu State Express Transport
Corporation Limited,
Thanjavore. ...Appellants/Respondents

vs.

1. Kalavathi
2. Minor Priyanka Barathi
3. Minor Hariharan
4. Andal ...Respondents/Claimants

Appeal is filed under Section 30 of the Workmen Compensation Act, against the order dated 17.05.2013 passed in W.C.No.37 of 2011 by the learned Deputy Commissioner of Labour, Trichy.

For Appellant	:Mr.K.Sudalaiyandi
For R1 to R3	:No appearance
For R4	:Mr.B.Senthil Kumar

JUDGMENT

The Transport Corporation, which suffered an award before the Deputy Commissioner of Labour for Workmen Compensation, Trichirappalli, in W.C.No.37 of 2011, is the appellant.

2.The claim was made by the respondents, who are the legal representatives of Elumalai, who died in a road accident during the course of employment with the Transport Corporation. The factum of employment is not denied.



3.The only ground on which the Transport Corporation resisted the claim is that the accident occurred due to the negligence of the employee and hence, the Transport Corporation is not liable to pay the compensation.

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4.A reading of Section 3 of the Workmen Compensation Act, would show that the negligence on the part of the employee is not a ground for the employer to wriggle out the liability. Proviso to Section 3(i) enlists the grounds that are available to the employers to avoid liability and the same does not include negligence on the part of the workmen.

5.Therefore, the Tribunal has rightly rejected the defence of the management and granted compensation. The quantum of compensation is also reasonable and has been arrived at strictly in accordance with the provisions of the Act. Therefore, I do not find any ground to interfere with the award of the Deputy Commissioner of Labour for Workmen Compensation. Hence, this appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The learned Deputy Commissioner of Labour,
Trichy.

+1 CC to M/s.K.SUDALAIYANDI, Advocate, SR No. 58931.

+1 CC to M/s.B.SENTHILKUMAR, Advocate, SR No. 58969.

NS

PSM/RSK/SAR4/23.06.2017/2P/4C

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