



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. (MD) .No.158 of 2016

V. Paul Pandian
P. Saroja

.. Appellants/Petitioners/Petitioners

Vs.

1. M/s. Chennai Silks,
D.No.966-972
Cross Cut Road
Coimbatore.

2. The S.C.M. Textiles
Processing Mill
29, Marapalam Road
Karunkalpalayam
Erode - 3.

3. The Branch Manager
E.S.I. Corporation
Karunkalpalayam
Erode - 3.

.. Respondents/Respondents/Proposed Parties

PRAYER:- Civil Miscellaneous Appeal filed under Section 30 of Workmen Compensation Act 1923, against the order in I.A.No.65/2015 in W.C.No.258/2009 dated 08.04.2015 on the file of the Deputy Commissioner of Labour, Madurai.

For Appellants	: Mr. N. Chandran
For R1 and R2	: Mr. S. Karthick
For R3	: Mr. G. Murugan

J U D G M E N T

This Civil Miscellaneous Appeal has been filed under Section 30 of Workmen Compensation Act 1923, against the order passed in I.A.No.65/2015 in W.C.No.258/2009 dated 08.04.2015 on the file of the Deputy Commissioner of Labour, Madurai.

2. Heard the learned counsel appearing for the appellants and the learned counsel appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent and perused the records.



3. This appeal has been filed by the parents of one Ganesh, who died due to electrification during the course of employment under the second respondent on 12.09.2008. Therefore, the claim petition was filed before the Deputy Commissioner of Labour Workmen Compensation. The said Commissioner dismissed the petition stating that the first and the second respondent are covered under the Employees State Insurance Act.

4. The learned counsel for the appellants would submit that the order of the Deputy Commissioner is erroneous whereas the learned counsel for the first and second respondents would submit that the employment is covered under Employees State Insurance Act and the appellants, who are the parents of the deceased have got benefits. Moreover, additional insurance coverage was also taken from the third respondent - Employees State Insurance Corporation to the extent of 99% and that was paid to the parents. Apart from that, Rs.50,000/- is also paid as excretion payment by the first and second respondents.

5. The above stated facts are not disputed. The question as to whether the Commissioner was right in dismissing the petition is to be answered in this appeal.

6. A perusal of Ex.R1 to R5 would show that the employment is covered under Employees State Insurance Act and benefits were also given to the parents under Ex.R.1. When it is already covered by Employees State Insurance Act, and benefits were given to the appellants and additional insurance to the tune of Rs.99,000/- was already paid to the appellants apart from the payment of excretion of Rs.50,000/- from the first and the second respondents and therefore, the Commissioner is justified in dismissing the petition.

7. In the result, the appeal fails and the same is dismissed. There is no question of law involved in this case. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To,

The Deputy Commissioner of Labour, Madurai.

+1 cc to M/s.S.Karthikeyan, Advocate in SR.No. 2207

CM

CSL/SV-MMS/09.03.2017 : 2P/3C

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11.01.2017