

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 24.11.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A.(MD)No.296 of 2016****WEB COPY**

S.Saravanan

... Appellant

Vs.

1. C.Panneer Muhamed
2. The Branch Manager,
M/s.Royal Sundaram Alliance Insurance
Company Limited,
T.V.S. Co-Operative Stores Building,
32, Krishna Rao Tank Street,
Madurai District-625 001.

... Respondents

Prayer: Appeal filed under Section 30(1) of Workman Compensation Act, 1923, to set aside the award in respect of the Medical Bills and interest passed in W.C.No.127 of 2011 dated 02.02.2015 on the file of the Commissioner for Workman Compensation, Madurai.

For Appellant : Mr.K.Kumaravel

For Respondents : No Appearance for R1

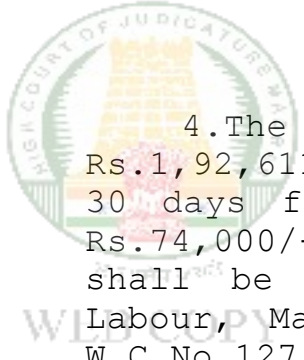
Mr.S.Srinivasa Raghavan for R2

JUDGMENT

Heard the learned counsel on either side.

2.The Workman has filed this appeal claiming enhancement of the compensation awarded to him. The only contention projected in this appeal is that the medical expenditure incurred by him was not included in the award.

3.The learned counsel appearing for the appellant drew my attention to Section 4 (2A) of the Employee's Compensation Act, 1923. The said provision reads that the employee shall be reimbursed the actual expenditure incurred by him for treatment of injuries caused during the course of employment. In this case, the appellant had incurred a sum of Rs.74,000/- towards the treatment charges. This is evident from Ex.P9 to Ex.P12. Even though, the accident occurred in the year 2010, the surgery was actually performed only on 19.09.2011. Therefore, the question of paying interest on the enhanced amount will arise only from the said date. Even while answering the substantial questions of law in favour of the appellant, it is made clear that the enhanced amount of Rs.74,000/- will carry interest at the rate of 12% only from 20.09.2011.



4.The second respondent is directed to deposit the amount of Rs.1,92,611/- to the appellant at the rate of 12% interest after 30 days from the date of accident and the enhanced amount of Rs.74,000/- at the rate of 12% only from 20.09.2011. The amount shall be deposited in respect of the Deputy Commissioner of Labour, Madurai by way of Demand Draft. The award made in W.C.No.127 of 2011, dated 02.02.2015, on the file of the Commissioner for Workman Compensation, Madurai is modified accordingly.

5.This Civil Miscellaneous Appeal is allowed accordingly. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner for Workman Compensation,
Madurai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Copy to

C.Panneer Muhamed,
S/o. Chellakkonnu Rowder,
1-A,Bharathiyarpuram,
Melur Taluk,
Madurai District.

+1cc to Mr.S.Srinivasa Raghavan, Advocate Sr.No.89595
+1cc to Mr.K.Kumaravel, Advocate Sr.No.89547

TSG

VB/KK/SAR4/10/01/2018/2P/7C

C.M.A. (MD) No.296 of 2016
24.11.2017