



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.820 of 2017

and

C.M.P.(MD).No.8805 of 2017

The Superintending Engineer,
Tamil Nadu Slum Clearance Board,
K.K.Nagar Main Road,
Jawahar Hospital Opposite,
Madurai 625 020.

... Appellant/2nd Respondent

Vs.

1.Tmt.Kaliammal
2.Gandhi

...1st Respondent/Petitioner

... 2nd Respondent/1st Respondent

Prayer: Appeal filed under Section 30(1) of Workmen Compensation Act, to set aside the order dated 01.06.2017, made in W.C.No.75 of 2014, on the file of the learned Deputy Commissioner of Labour (Employees Compensation), Madurai.

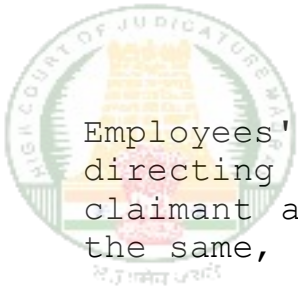
For Appellant : Mr.P.Mahendran

For Respondents : Mr.T.R.Jeyapalam for R1
:Mr.I.Robert Chandra Kumar
for R2

JUDGMENT

Heard the learned counsel on either side.

2.The first respondent herein was a construction helper employed by the second respondent herein. The appellant Board had entrusted the contract of carrying out the construction with the second respondent herein. During the course of her employment, the first respondent fell on from the second floor on 13.02.2014 and suffered cervical as well as spinal fractures. she was an inpatient for more than two days. She incurred a sum of Rs.2,00,000/- towards medical expenditure alone. She lodged a claim under the Employees' Compensation Act, 1923. The appellant herein was shown as the second respondent in the claim petition. The stand of the second respondent was that the claimant was employed only by the contractor and that the appellant should therefore be absolved of liability. The authority under the



Employees' Compensation Act passed an award dated 01.06.2017 was directing the appellant to pay a sum of Rs.6,67,275/- to the claimant and recover the same from the contractor. Aggrieved by the same, the Board has filed this appeal.

3. I am of the view that the authority has correctly followed the statutory mandate set out under Section 12 of the Employees' Compensation Act, 1923. The claimant cannot be made to run after the contractor. That is why, the principal employer is first called upon to satisfy the award in question. It is open to the Commissioner to settle the question as to inter se liability between the principal employer and the contractor. In this case, the Commissioner has fastened the ultimate liability on the contractor. But the duty to pay has been fastened in the first instance on the principal employer. No exception can be taken to the approach adopted by the Commissioner. There is no merit in this appeal. No substantial question of law arises for consideration in this appeal. The claimant/first respondent is at liberty to withdraw the entire deposited amount.

4. This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour (Employees Compensation),
Madurai.

2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1cc to Mr. P. MAHENDRAN, Advocate, SR.No. 93499

+1cc to Mr. I. ROBERT CHANDRAKUMAR, Advocate, SR.No. 93777

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TSG

KK/JC/SAR-3/22.06.2018/2P-6C