

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Miscellaneous Appeal No.2036 OF 2004

JUDGMENT:

The only ground agitated in the present Appeal is that cardiac failure cannot account for awarding compensation by the Commissioner for Workmen's Compensation, and on that ground the present Appeal is preferred by the Opposite Party, represented by General Manager (Projects), The Singareni Collieries Company Limited, Yellandu, under Section 30 of the Workmen's Compensation Act, 1923.

2. Turning to the facts, one R. Muthulingam died while performing his duties on 13.7.2000 as General Mazdoor and the cause for his death was subsequently found as 'cardiac arrest'. Usual formalities were attended by the police when the complaint was received. The claim was laid by his wife, who is the applicant, for awarding a sum of Rs.1,81,370/-.

3. The learned Commissioner, having formulated the relevant issues and having recorded the evidence of P.Ws.1 and 2 and R.W.1 and marking as Exs.A1 to A7 on behalf of the applicant, recorded a finding that the cardiac failure, while on duty, is to be treated as 'accident' and thereby taking the age of the deceased as 41 years, as per Ex.A7-wage slip, the wage rate being Rs.3,361/- per month, which was restricted to Rs.2,000/- per month under Section 4

of the Workmen's Compensation Act, which was in vogue then, arrived at Rs.1,81,370/- taking the relevant age factor 181.37 and the wage as Rs.2,000/- per month and added Rs.300/- towards 'Trade Union's Fee' and Court Fee of Rs.363/-, and, thus, totalling to a sum of Rs.1,82,033/- was awarded directing to deposit within 30 days referring to the case law in **Veda Prakash Garg v. Premidevi and others**¹.

4. The learned Standing Counsel for the appellant, though, initially resisted the order, but, however would agree that 'cardiac arrest' in this case cannot fall outside the purview of the term 'accident'.

5. The Appeal is, therefore, dismissed confirming the order under challenge. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Civil Miscellaneous Appeal shall stand closed.

A. SHANKAR NARAYANA,J

Dt. 09.10.2017
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¹ AIR 1997 SC 3854