IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.GOVINDARAJ

C.M.A.No.2963 of 2006

M.Ganesaval .... Appellant/Applicant

Vs.

1. M/s. Larsen & Toubro Limited,
   ECC Construction Group,
   Mount Poonamallee Road,
   Manapakkam, Chennai - 600 089.

2. New India Assurance Company Limited,
   No.45, Moore Street,
   Chennai - 600 001. ... Respondents

Prayer:

Civil Miscellaneous Appeal filed under section 30 of the Workmen Compensation Act, 1923 against the order dated 07.11.2005 passed in W.C.No.98 of 2004 by the Deputy Commissioner for Labour - II (Commissioner for Workmen's Compensation - II), Chennai - 600 006 and the same has been received by the Appellant on 02.03.2006 and praying to set aside the same.

For Appellant : U.M.Ravichandran

For R2 : Mr.S.Ramalingam

For R1 : NA

J U D G M E N T

This appeal is directed against the award dated 07.11.2005 passed by the Authority of the Workmen's Compensation Act, 1923, (hereinafter referred to as 'the W.C.Act') in W.C.No.982 of 2004.

2. As per the award, the respondents were directed to deposit the compensation within 30 days, failing which interest at the rate of 12%p.a. will be levied on the total amount of award.

3. Aggrieved over the interest part of the award, the claimant has preferred this appeal. It is well settled that as per Section 4(A) of Workmen Compensation Act, 1923, the claimant is entitled to interest from 31st day of the accident.

4. Admittedly, in the case on hand, the authority has passed an order directing the respondents to deposit the award amount within a period of 30 days, failing which, the interest will be levied. In other words, if the award amount is deposited within 30 days, the claimant would not receive any interest. As per the Judgment of the Hon'ble Division Bench of this Court in the case of N.Ganesan Vs. Thilagavathi and Ors., reported in 2010 (2) TN MAC 80 (DB) interest shall be calculated from the date of accident. Relevant portion of the judgment reads as under:

> "The word "falls due" occurring under Section 4-A of the Workmen's Compensation Act, 1923 in the light of the ratio laid down in the Larger Bench decision of the Hon'ble Supreme Court of India reported in Pratapn Narain Singh Deo v. Srinivas Sabata and Anr., 1976 (1) SCC 289 and Kerala State Electricity Board v. Valsala, K., 2000 ACJ 5 (SC), means that interest for compensation amount would accrue 30 days after the date of quantification/orders passed by the Commissioner for Workmen's Compensation."

5. As per section 4 (A) the W.C.Act, the employee/claimant is entitled to interest at the rate of 12%p.a. after 30 days from the date of accident i.e., from 25.03.1997 and the said statutory entitlement shall not be taken away arbitrarily. The employer is not entitled to any premium for prompt compliance of the award passed.

6. The learned counsel appearing for the 2nd respondent/Insurance Company submitted that they have already deposited the award amount.

7. In such circumstances, this Court directs the 2nd respondent/Insurance Company to deposit the interest, on the award amount, at the rate of 12%p.a. from 25.03.1997 till the date of deposit, within four weeks from the date of receipt of a copy of this judgment. On such deposit the claimant is entitled to withdraw the same.

8. In the result, the Civil Miscellaneous Appeal is allowed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Deputy Commissioner for Labour II,
   Commissioner for Workmen's Compensation II,
   Chennai-600 006.

+1cc to Mr.U.M.Ravichandran, Advocate, S.R.No.11832
+1cc to Mr.S.Ramalingam, Advocate, S.R.No.10884

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VGI(CO)
CS/17/05/18