



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1481 of 2007

State Express Transport Corporation
Rep. By its Managing Director,
Pallavan Salai, Chennai-2.

...Appellant

vs

1.M.Vinaya Moorthy

2.The Branch Manager
State Express Transport Corporation,
Coimbatore Workshop,
Mettupalayam Road,
Goundenpalayam,
Coimbatore.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of Workmen's Compensation Act, 1923, against the order in W.C.No.204 of 2004 on the file of the Deputy Commissioner of Labour, Chennai-6, dated 25.04.2005.

For Appellant : Mr.V.Udhayakumar
For Respondents : No appearance for R1
R2 - Given up

J U D G M E N T

The Appellant/Transport Corporation is aggrieved by the impugned order dated 25.04.2005 passed by the Deputy Commissioner of Labour, Chennai, in W.C.No.204 of 2004 has come forward with the present Civil Miscellaneous Appeal.

2. By the impugned order, the Commissioner for Workmen's Compensation has awarded a sum of Rs.98,856/- as compensation to the 1st respondent / claimant.

3. It was the case of the 1st respondent / claimant that, he met with an accident on 10.12.1998, while he was on duty, he was driving from Tirunelveli to Coimbatore, when the vehicle crossed sattur and while proceedings towards Virudhunagar, near Maniparaipatti Vilakku, the Bus steered by the petitioner involved in an accident, while the petitioner tried to avoid a Lorry in front of the vehicle steered by him, the bus banged the rear side of the lorry and met with an accident, due to which the 1st respondent sustained grievous injuries. The injured/1st respondent herein, has filed a



petition for compensation for a sum of Rs.5,00,000/-. As against, the Deputy Commissioner of Labour, Chennai-6 has awarded for a sum of Rs.98,856/- as total compensation. Against which, the appellant has filed the present Appeal.

4. Based upon the facts, materials, evidence the Deputy Commissioner of Labour, Chennai, has awarded a sum of Rs.98,856/- to the 1st respondent/claimant.

5. The Deputy Commissioner of Labour, Chennai, has awarded a sum of Rs.98,856/- as compensation, against which, the Appellant has filed the Appeal.

6. In the present appeal, the appellant has disputed the quantum of compensation that has been ordered. The appellant has raised three questions of law in the present appeal which reads as under:-

i. Whether the Deputy Commissioner of Labour, erred in coming to the conclusion that the respondent sustained injuries are not coming under the ambit of Workman Compensation Act.

ii. Whether the Deputy Commissioner of Labour, erred in obtaining the assistance by invoking the provision of Section 11(5) of the W.C. Act while fixing monthly income and adopted multiplier system.

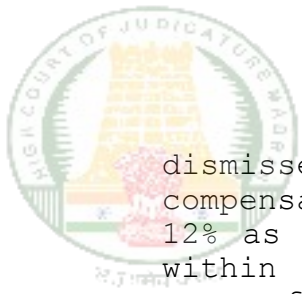
iii. Whether the Deputy Commissioner of Labour was correct in holding the Appellant is liable to pay the compensation awarded relying on the evidence of PW1 who sustaining injuries are not coming under the schedule of Workman Compensation Act.

7. Heard the learned counsel for the Appellant and there is no representation on behalf of the respondents and perused the materials available on records.

8. The grounds raised by the appellant are not sustainable to resist the Compensation awarded. I do not find any merits in the present Civil Miscellaneous Appeal. The questions raised by the appellant are not questions of law but questions of fact.

9. This Court is of the opinion that the compensation awarded by the Deputy Commissioner of Labour, Chennai, is well reasoned and is based on well settled principles of law and therefore, there are no grounds to interfere with the judgement passed by the Deputy Commissioner of Labour, Chennai. Therefore, the grounds raised by the appellant is liable to be rejected and they are rejected accordingly. The compensation awarded by the Deputy Commissioner of Labour, Chennai, is just, fair and reasonable.

<https://hcservices.ecourts.gov.in/hcservices> the result, this Civil Miscellaneous Appeal is



dismissed. No costs. The appellant shall deposit the entire compensation amount of Rs.98,856 /- along with interest of 12% as awarded by the Deputy Commissioner of Labour, Chennai, within a period of four weeks, from the date of receipt of a copy of this judgment. If it has not been already deposited and such deposit the 1st respondent shall be entitled to withdraw the same. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Labour,
Chennai-6.

2.The Section Officer,
V.R. Section, High Court, Madras.

+1cc to Mr.V.Udaya Kumar, Advocate, S.R.No. 92891

C.M.A.No.1481 of 2007

RR(CO)
GN(20/12/2019)