

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019
CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1807 of 2006
and MP.No.1 of 2006

United India Insurance Company Ltd,
Branch Office,
8/1-38-A, Salem Main Road,
Pudusampalli,
Mettur Dam - 636 403

...Appellant

vs

1.Muthammal @ Muthu
2.P.Chinnathambi
3.K.Soundararajan

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order of the learned Commissioner for Workmen's Compensation, Salem, made in W.C.No.301/2004 dated 06.03.2006.

For Appellant : Mr.K.Suryanarayanan
For R1 : No Appearance
For R2 : Not ready
For R3 : Mr.B.Sivakumar

J U D G M E N T

The Appellant Insurance Company is aggrieved by the impugned award dated 06.03.2006 passed by the Deputy Commissioner of Labour -2, Chennai in W.C.No.417 of 2004. By the impugned order, the Commissioner for Workmen's Compensation, Salem, has awarded a sum of Rs.4,00,274/- as compensation, which includes the funeral expenses of Rs.2,500/-.

2. It is the case of the claimant that on 12.05.2004, while the deceased was travelling in the tempo van TN 27 T 1030, the said van was driven by the driver in a rash and negligent manner and dashed against the road side Tamarind tree and the deceased received fatal injuries and died during the course of his employment. At that time of accident, the deceased was aged about 18 years and was earning a sum of Rs.3,000 per month as wages. The applicants were put to strict proof of it. The learned Commissioner took Rs.3481/- per month as wages of the deceased under the Government of Tamil Nadu Minimum Wages Act.

3. At the time of admission on 27.06.2006, this Court determined the following substantial question of law:

"Whether the learned Commissioner is empowered to fix the wages of the deceased more than the amount paid by the employer?"

4. Heard the learned counsel for the appellant. There was no representation on behalf of the respondents.

5. I have perused the records. The only point raised is whether the learned Commissioner was empowered to fix the wages of the deceased more than the amount that he could have received from the respondent by applying the Minimum Wages Act. In this case, the deceased was earning Rs.3,000/- per month as wages based on the evidence, though in the claim petition it was stated that the deceased was earning Rs.4,000/- per month. Therefore, I do not find any merit in the present appeal.

6. The learned counsel for the respondents also submitted that the case has been settled between the parties.

7. Hence the present Civil Miscellaneous Appeal is liable to be dismissed and is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

drl
To
1.The Commissioner,
Workmen's Compensation
Salem

Copy to
The Section Officer,
V.R. Section, High Court, Madras.

+1 CC to Mr.K.Suryanarayanan, Advocate sr 92050.

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SP(21/01/2020)