

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2712 of 2006

National Insurance Company Ltd,
Greams Road,
Chennai - 600 006.

...Appellant

vs.

1.R.Narayanan
2.M.Elumalai

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, to set aside the award dated 28.04.2006 and made in W.C.No.269/2005 on the file of the Commissioner for Workmen's Compensation Court - 2, / Deputy Commissioner of Labour -2, Chennai.

For Appellant : Mr.S.Vadivel

For Respondents : No Appearance

J U D G M E N T

The Appellant / Insurance Company had aggrieved by the award dated 28.04.2006 in W.C.No.269 of 2005 filed by the 1st respondent. By the impugned order, the Deputy Commissioner of Labour -2, Chennai, has awarded a sum of Rs.1,51,142/- as compensation to the 1st respondent herein.

2. At the time of admission, dated 25.09.2006, this Court had framed the following substantial questions of law:

"(1) Whether the learned Deputy Commissioner of Labour -2, Chennai -6 has followed the Explanation II of Section 4(1)(b) of the Workmen's Compensation Act, while fixing the maximum salary of Rs.4,000/- to the first respondent?

(2) Whether the Deputy Commissioner of Labour -2, Chennai -6, is authorised to impose 12% penal interest on the award amount either under the provisions of the Workmen's Compensation Act or as per the terms and conditions of the policy on failure to deposit the award amount within 30 days from the date of receipt of the Award copy?

3. From the above plea and following the substantial questions of law, this Court had passed an interim order dated 25.09.2006, directing the Deputy Commissioner of Labour -2, Chennai - 6, to withhold the payment to the respondent / claimant.

4. Heard the learned counsel for the appellant. There is no representation on behalf of the respondents. The appellant has questioned the compensation, assessment of the injury and loss of earning capacity at 30% and interest awarded at 12%. The impugned award passed by the Deputy Commissioner of Labour -2, is well reasoned and therefore requires no interference.

5. Accordingly, the present Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Deputy Commissioner of Labour -2,
(Commissioner for Workmen Compensation), Chennai.

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

+1cc to Mr.S.Vadivel, Advocate Sr.No.91848

AKM/07.01.2020/2P-4C/

सत्यमेव जयते

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