

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.157 of 2008

M/s.United India Insurance Company Ltd.,
38, Anna Salai,
Chennai.

...Appellant/2nd Respondent

vs

1.Arul Arogya Johanson @ Johnson : 1st Respondent/Claimant

2.N.N.Kannan : 2nd Respondent/ 1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 30 of Workmen's Compensation Act, 1923, against the order dated 13.04.2007 made in W.C.No.317 of 2006 on the file of the Commissioner of Workmen Compensation (Deputy Commissioner of Labour-II), Chennai.

For Appellant : M/s.R.Sree Vidhya

For Respondents : No appearance for R1
R2 - Ex-parte
before the lower Court

J U D G M E N T

The Appellant is the Insurance Company and filed this appeal against the impugned order dated 13.04.2007 passed by the Commissioner of Workmen Compensation (Deputy Commissioner of Labour-II), Chennai, in W.C.No.317 of 2006.

2. By the impugned order, the Commissioner for Workmen's Compensation, Chennai has awarded a sum of Rs.4,54,328/- as compensation to the 1st respondent / claimant.

3. It was the case of the 1st respondent / claimant that, he met with an accident on 11.06.2006 while he was travelling as cleaner in lorry belonging to the 2nd respondent, bearing Registration No.TCX 2597 proceeding at M.C.Road from Vellore to Pallikondan near Kathukottai Bridge met with an accident, due to which the 1st respondent sustained grievous injuries. The injured/1st respondent herein, has filed a petition for compensation. As against, the Commissioner of Workmen

Compensation, Chennai has awarded for a sum of Rs.4,54,328/- as total compensation. Against which, the appellant has filed the Appeal.

4. Based upon the facts, materials, evidence the Commissioner for Workmen's Compensation, Chennai has awarded a sum of Rs.4,54,328/- to the 1st respondent.

5. The Commissioner for Workmen's Compensation has awarded a sum of Rs.4,54,328 /- as compensation, against which, the Appellant has filed the present Appeal.

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

- i. Whether the learned Commissioner has erred in not fixing the wages in accordance with GO dated 01.08.2003 Labour and Employment relating the to minimum wages payable to a Workman following the ruling of Divisional Bench.
- ii. Whether the award of the learned Commissioner is liable to modified?

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

8. Considering the fact that there was an employer employee relationship between the respondents 1 and 2 herein and that the 2nd respondent insured his vehicle with the appellant Insurance company and also considering the amount of compensation awarded to the claimant is based on fixing the wages in accordance with GO dated 01.08.2003 Labour and Employment relating to the Minimum Wages payable to a Workman, this Court is of the opinion that the compensation awarded by the Commissioner for Workmen's Compensation, 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 Commissioner of Workmen Compensation (Deputy Commissioner of Labour-II), Chennai. Therefore, the grounds raised by the appellant is liable to be rejected and they are rejected accordingly. The compensation awarded by the Commissioner of Workmen Compensation (Deputy Commissioner of Labour-II), Chennai, is just, fair and reasonable.

9. In the result, I do not find any merits in this appeal much less any substantial question of law to be answered. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. The appellant shall deposit the entire compensation amount of Rs.4,54,328/- along with interest of 12% as awarded by the Commissioner for Workmen's Compensation (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 on such deposit, the 1st respondent shall be entitled to withdraw the same.

Sd/-

Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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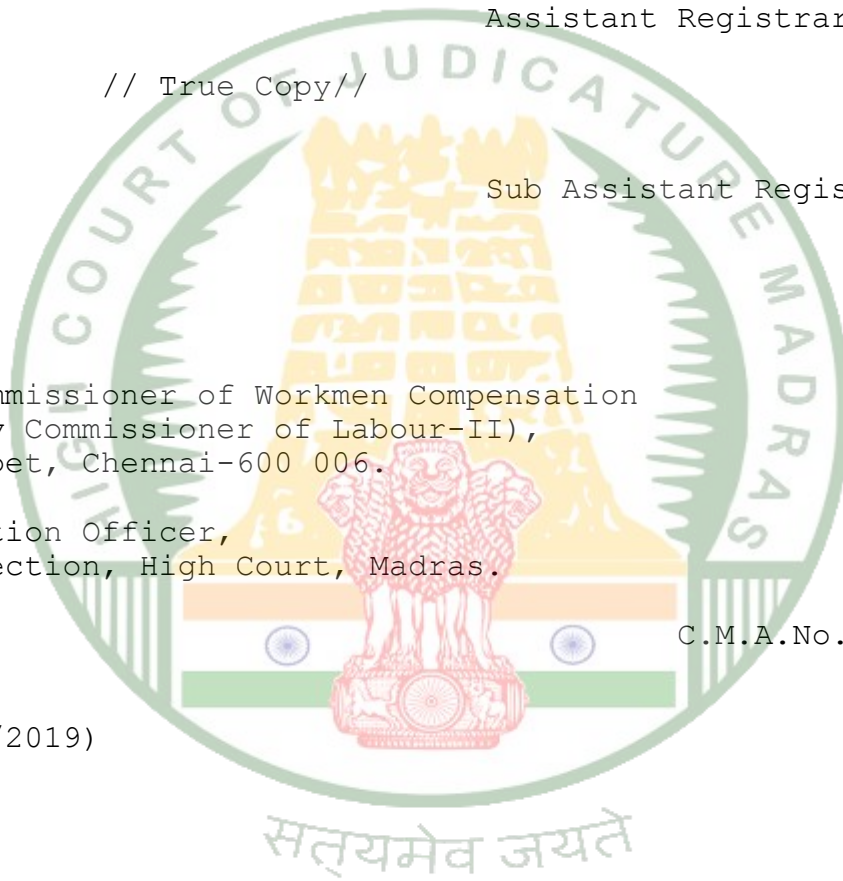
To

1.The Commissioner of Workmen Compensation
(Deputy Commissioner of Labour-II),
Teynampet, Chennai-600 006.

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

C.M.A.No.157 of 2008

VBA (CO)
CSR (17/12/2019)



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