

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A. No. 2167 of 2008

1. R. Kala
 2. R. Vijayakumar (Minor)
 3. R. Sneha (Minor)
- (Minors 2 & 3 are represented by
M&N F.R. Kala) ... Appellants/Claimants

Vs

1. HCL Company Ltd.,
No.420, Jawaharlal Nehru Road,
(100 Ft. Road), Vadapalani,
Chennai - 600 026.
2. Muthusamy
3. P. Nagoorammal
4. N. Perumal ... Respondents/ Respondents

Prayer:- Civil Miscellaneous Appeal has been filed under Section 30 of the Workmen's Compensation Act, 1923, against the Order dated 10.10.2007 passed in W.C. No. 81 of 2005 by the Deputy Commissioner for Labour-I (Commissioner for Workmen's Compensation - I), Chennai - 600 006 and the same has been received by the Appellant on 20.12.2007.

For Appellants : Mr. A. Shanmugaraaj
For R1, R3 & R4 : No appearance
For R2 : Not ready in notice

J U D G M E N T

The appellants were the claimants before the Deputy Commissioner of Labour - I (Commissioner for Workmen's Compensation - I), Chennai - 6 in W.C.No.81 of 2005. The said claim petition was filed by the dependents of late Rajkumar after his death on 24.07.2004. The said Rajkumar was employed by the 2nd respondent. The 2nd respondent was the contractor contracted for demolishing the building of the 1st respondent.

2.By the impugned order, the Deputy Commissioner of Labour -I has awarded a sum of Rs.4,11,900/- as compensation, to be paid within a period of thirty days from the date of the

impugned order, failing which the 1st respondent was liable to pay interest at 12% per annum from the date of accident till the date of deposit.

3. Aggrieved by the above direction restricting the interest, the present Civil Miscellaneous Appeal has been filed. In the present Civil Miscellaneous Appeal, the appellants have raised the following substantial question of law for consideration:-

Whether the Deputy Commissioner for Labour-I (Commissioner for Workmen's Compensation -I) is right in not awarding interest at the rate of 12% p.a from the date of accident under Sec.4A (3) of W.C. Act, while award pass on merit?

4. It is submitted by the learned counsel for the appellants that the interest is payable from the date of the accident and not as ordered by the Deputy Commissioner of Labour - I, Chennai.

5. As per the following judgments, interest can be awarded from the date of accident:-

- i. Pratap Narain Singh Deo vs Srinivas Sabata and Another, (1976) 1 SCC 289.
- ii. Jaya Biswal and Others vs Branch Manager, IFFCO Tokio General Insurance Co. Ltd., 2016 (1) TN MAC 289 (SC).
- iii. N.Ganesan vs Thilagavathi and Others, 2010 (2) TN MAC 80 (DB).
- iv. R.Prakasam vs M/s. A to Z Cargo Carieer and Another, passed by this Court in C.M.A.No.2558 of 2015.

6. In Pratap Narain Singh Deo vs Srinivas Sabata and Another, (1976) 1 SCC 289, it was held that it was the duty of the employer to pay the compensation at the rate provided in Section 4 of the Workmen's Compensation Act, 1923 as soon as personal injury was caused to the respondent under Section 4 (A) (1) of the Act.

7. In N.Ganesan vs Thilagavathi and Others, 2010 (2) TN MAC 80 (DB), after considering elaborately several decisions of the Hon'ble Supreme Court including the above cited decision, this Court held as follows:-

27. In the result, the reference is answered as follows:-

- i. 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 Pratap Narain Singh Deo v. Srinivas Sabata and another, 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 the accident and not from the date of quantification/orders passed by the Commissioner for Workmen's Compensation.

8. In view of the above decisions, I am inclined to allow this Civil Miscellaneous Appeal by awarding the interest at 12% from the date of accident till the date of deposit. Therefore, the 1st respondent is directed to deposit the interest at 12% from the date of accident till the date of deposit within a period of 30 days from the date of receipt of a copy of this judgment.

9. Accordingly, the order of the Deputy Commissioner of Labour-1, Chennai is modified. The present Civil Miscellaneous Appeal is allowed accordingly. No cost.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

arb/jen
To

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

2. The Section Officer,
Vernacular Section,
High Court of Madras.

+1cc to Mr.A.Shanmugaraj , Advocate SR.No. 98126

C.M.A. No. 2167 of 2008

A.SK(07/02/2020)