

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3728 of 2005

1.R.Sudha
2.S.Kasiyammal
3.P.Singaram

.. Appellants

Vs.

1. M/s.G.K.Shetty Builders (P) Ltd.,
No.3, Club Road,
Chetpet, Chennai 600 031.

2. The Oriental Insurance Co.Ltd.,
United India Building,
Esplanade,
Chennai 600 108

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen Compensation Act, 1923, to set aside the order dated 17.12.2004 in W.C.No.193 of 2004 on the file of the Deputy Commissioner of Labour - I, (Commissioner for Workmen's Compensation - I), Chennai - 600 006 and pass an award for a sum of Rs.4,48,000/- against the respondents payable by the second respondent with interest at the rate of 12% p.a. from the date of accident.

For Appellants : Mr.S.Gowsik Sundar for
Mr.A.Shanmugaraj

For Respondents: No Appearance

J U D G M E N T

The appellants are the claimants before the Deputy Commissioner of Labour - I (Commissioner for Workmen's Compensation - I), Chennai. They have filed a claim petition on 27.02.2004, stating that the deceased - Raman, employed by the 1st respondent, died in an accident, resulting from electrocution. The 1st respondent has contested the claim. In the impugned order dated 17.12.2004 in W.C.No.193 of 2004, the

Deputy Commissioner of Labour - I, Chennai has awarded a compensation of Rs.4,48,000/-. However, while awarding the above amount, the said authority awarded with interest only for a period after expiry of 30 days from the date of order, if there is failure to pay the amount. In other words, as per the impugned order, the interest is payable only in case to failure to pay the amount within a period of 30 days from the date of the order.

2. The learned counsel for the appellant submits that under Section 4A(3) of the Workmen's Compensation Act, 1899, the authority ought to have awarded interest at 12% from the date of accident, as per the decision of Supreme Court and several other decisions. In this connection, the learned counsel referred to the decision of this Court rendered in N.Ganesan Vs. Thilagavathi and another [2010 (2) TN MAC 80 (DB)], which reads as under:

"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.

ii. The decisions rendered by the Single Bench of this Court in the decisions reported in Marimuthammal @ Marimuthu and Another V. R.P.P.Construction (P) Ltd., Chennai and others, 2007 (2) TN MAC 98 : 2007 (5) MLJ 1056; A.Chairmen V. A.Thirumeni & another, 2008 (1) TN MAC 38 had laid down the correct proposition in consonance with the ratio laid down by the Larger Bench of the Hon'ble Supreme Court of India in the above cited decisions.

iii. The Registry is directed to list these Appeals for final disposal before the concerned Portfolio Judge."

3. In the present appeal, the appellant has raised the following Substantial Question of Law :

"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 Section 4A (3) of the W.C.Act, while the award pass on merit?"

4. Heard the learned counsel for the appellant. There is no representation on behalf of the respondent.

5. The issue has no longer res-integra in the light of the decision of the Hon'ble Supreme Court and the decision of the Hon'ble Division Bench. The above Substantial Question of Law is accordingly answered in favour of the appellant.

Accordingly, the civil miscellaneous appeal is allowed.
No cost.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

The Deputy Commissioner of Labour - I,
Commissioner for Workmen's Compensation - I,
Chennai - 600 006

copy to

The Section Officer
VR Section, High Court, Madras 104

+1 CC to Mr.A.Shanmugaraj, Advocate sr 81311.

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SV(CO)
SP(08/11/2019)

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