

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3699 of 2006

State Express Transport Corporation,
Rep. by its Managing Director,
Chennai - 2.Appellant

vs

NavaneethiRespondent

Prayer: Civil Miscellaneous Appeal filed under Section 30 of Workmen's Compensation Act, 1923, against the order datd 29.12.2004 in W.C.No.189/2004 on the file of the Deputy Commissioner of Labour -II, Chennai.

For Appellant : Mr.V.Udayakumar

For Respondents : Not ready in notice

J U D G M E N T

The Appellant State Express Transport Corporation is aggrieved by the impugned award dated 29.12.2004 passed by the Deputy Commissioner of Labour -II, Chennai, in W.C.No.189 of 2004. By the impugned order, the Deputy Commissioner of Labour - II, has awarded a sum of Rs.3,15,440/- as compensation to the respondent herein.

2. The Claimant namely Navaneethi, employed by the appellant died during the course of the employment on 26.04.2003, after suffering heart attack. The Appellant has questioned the impugned order passed by the Deputy Commissioner of Labour - II, so as to quantum of compensation awarded.

3.In the present appeal, the appellant has disputed the quantum of compensation that has been ordered. The appellant has raised three substantial questions of law which read as under:-

(i) Whether the Deputy Commissioner of Labour erred in coming to the conclusion that the first respondent has sustained loss of earning power contrary to the provisions of 4(i) & (ii) of the Act?

(ii) Whether the Deputy Commissioner of Labour erred in obtaining the assistance by invoicing the provision of Section 11(1) of the W.C. Act as the reason for death.

(iii) Whether the Deputy Commissioner was connect in holding the Appellant is liable to pay the compensation awarded relying on the evidence of PW1 who has not properly produced the particulars in the deceased employee".

4. Heard the learned counsel for the appellant. There is no representation on behalf of the respondents. The appellant has raised the question of liability. I have perused the records. There are no substantial questions of law to be answered in the present appeal. I also do not find any merits in the present appeal. The order of the Deputy Commissioner of Labour is well reasoned and requires no interference.

5.The present Civil Miscellaneous Appeal is therefore dismissed. No cost.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

drl

To

1.The Deputy Commissioner of Labour -II,
Chennai.

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

+1cc to Mr.V.Udayakumar , Advocate SR.No. 92890

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A.SK(11/12/2019)