

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1519 of 2011

and

M.P.No.1 of 2011

Rajamanickam ... Appellant/Respondent
vs
Pavadai ... Respondent/Claimant

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order passed in W.C.No.218 of 2003 dated 19.04.2007 by the Workmen Compensation Commissioner-II/ the Deputy Commissioner of Labour No.II, Chennai.

For Appellant : Mr.V.Kasiviswanathan

For Respondent : Mr.P.Mani

J U D G M E N T

The appellant employer is aggrieved by the impugned order dated 19.04.2007 passed by the Deputy Commissioner of Labour -I, Chennai in W.C.No.218 of 2003.

2.By the impugned order, the Deputy Commissioner of Labour - II has awarded a sum of Rs.1,32,602/- as compensation to the respondent/claimant who was employed by the appellant.

3.The brief facts of the case are that on 04.02.2003, while breaking the blue metal stones in the premises of the appellant, the respondent had suffered employment injury in his left eye as a stone pierced it. Since the respondent become permanently disabled and he could not see through his left eye. He therefore filed the aforesaid claim petition for compensation of Rs.5,00,000/- from the appellant.

4.After considering the evidences, the Deputy Commissioner of Labour - II has awarded a compensation of Rs.1,32,602/- to the respondent which was payable by the appellant herein.

5.Aggrieved by the same, the appellant employer has been filed the present Civil Miscellaneous Appeal.

6.In the present Civil Miscellaneous Appeal, the appellant has raised the following substantial questions of law:-

- i. Whether the learned Deputy Commissioner is right in fastening the liability on the appellant when admittedly there was no employer employee relationship between the respondent and the appellant?
- ii. Whether the Deputy Commissioner of Labour is right in fastening the liability on the appellant when admittedly there is no privity of contract between the respondent and the appellant herein?
- iii. Whether the Deputy Commissioner of Labour is right in fastening the Liability on the appellant even after giving a finding that the respondent was employed only under one Mr.Elumalai and not under the appellant herein?
- iv. Whether the Deputy Commissioner is right in not giving any finding as to the defence rising by the appellant regarding the statutory notice as contemplated under Section 10 of the Act?
- v. Whether the learned Deputy Commissioner is correct in fixing the income of the respondent at Rs.3,000/- per month on surmises and conjunctures?

7.Heard the learned counsels for the appellant and the respondent.

8.The learned counsel for the appellant submits that there is no employer - employee relationship between the appellant and the respondent and also there was no contract between them. Therefore, the order of the Deputy Commissioner of Labour - II was liable to be set aside.

9.Per contra, the learned counsel for the respondent submits that the impugned order passed by the Deputy Commissioner of Labour - II is well reasoned and requires no interference.

10.I have considered the arguments advanced by the learned counsels for the appellants and the respondent and perused the documents.

11.Therefore, I do not find any reasons to interfere with the impugned order passed by the Deputy Commissioner of Labour as it is well reasoned. I am of the view, the authorities acting under the provisions of the Workmen's Compensation Act are not bound by strict rules of evidences. Therefore, conclusion arrived by the Deputy Commissioner of Labour cannot

be disturbed.

12. Accordingly, the present Civil Miscellaneous Appeal is dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour No.II,
The Workmen Compensation Commissioner-II,
Chennai.

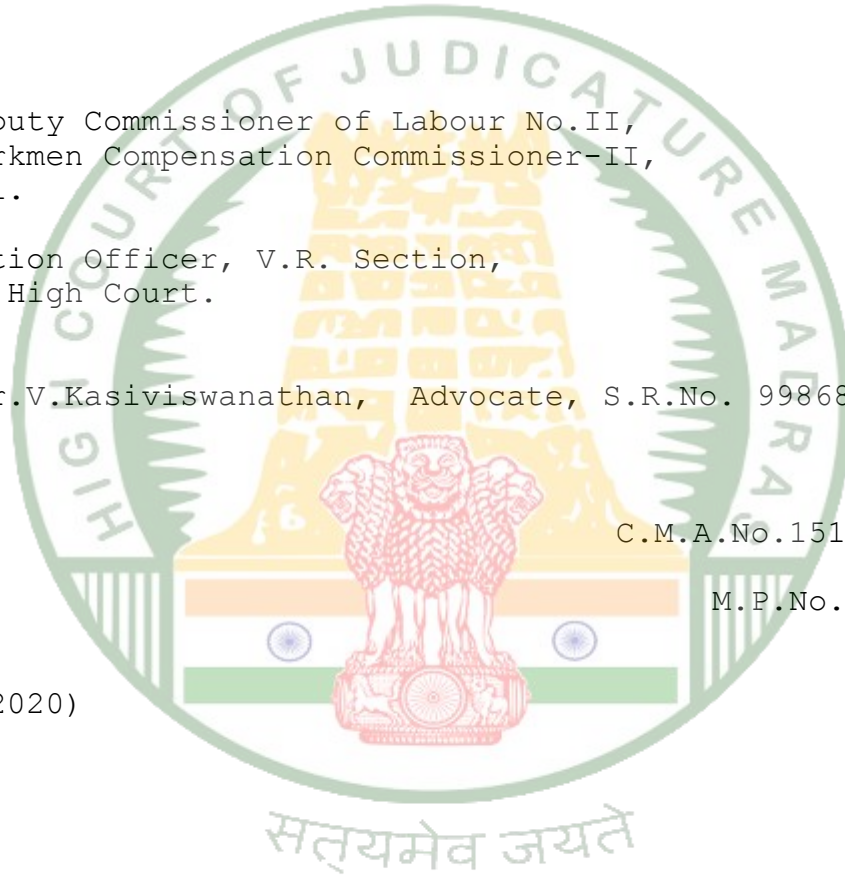
2. The Section Officer, V.R. Section,
Madras High Court.

+1cc to Mr.V.Kasiviswanathan, Advocate, S.R.No. 99868

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