

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.143 of 2016

1. Mrs.Pavunu
2. A.Balaraman

..Appellants/ Petitioners

-vs-

1. M/s Reliance Industries Ltd.,
No.18/122, Vaiyapuri Complex
Park Road, Moolapattarai
Erode
2. HDFC Ergo General Insurance Co.Ltd.,
New No.528, Old No.559, 2nd Floor
Anna Salai, Teynampet
Chennai 600 018

..Respondents/ Respondents

Memorandum of Grounds of Civil Miscellaneous Appeal under Section 30 of the Workmen's Compensation Act, 1923, against the decree and judgment dated 14.11.2014 made in E.C.No.519 of 2013 on the file of the Commissioner for Workmen's Compensation-II, Deputy Commissioner of Labour-II, Chennai.

For Appellants :: Mr.K.Varadha Kamaraj

For Respondents :: No appearance for R1 & 2

JUDGMENT

The only question raised in the present appeal is whether the Tribunal went wrong in not granting interest on the award amount, in terms of Section 4-A(3)(a) of the Employees Compensation Act, 1923?

2. Learned counsel for the appellants submitted that when the Tribunal has awarded a sum of Rs.8,05,948/- as compensation to the appellants for the loss of their son, it has granted interest at the rate of 12% per annum only in the event of failure to deposit the award amount within 30 days time. Hence, the present appeal has been filed.

3. Although the respondents have been served, they have not

entered appearance.

4. The issue raised in the present appeal is no longer res integra, as the same has been decided by me in C.M.A.Nos.35 & 128 of 2014 dated 3.11.2016 (A.Ramanathan v. Mr.Gandhi, Proprietor, AGT Traders and others), holding as follows:-

"6. In the light of the well settled legal position, it is made clear that the interest on the compensation amount would accrue thirty days after the date of accident and not from the date of quantification/orders passed by the Commissioner for Employees Compensation. In fact, while considering a similar issue in C.M.A.No.2733 of 2015 dated 30.11.2015 (Ravichandran v. Sadiq Hussain and others), I have also held that the interest at the rate of 12% per annum on the compensation shall accrue after thirty days from the date of accident until the date of deposit.

7. Coming to the cases on hand, Mr.A.Ramanathan, the appellant in C.M.A.No.35 of 2014, had sustained injuries during the course of employment on 23.11.2006 and the award came to be passed on 12.1.2009 in E.C.No.001 of 2007. Learned counsel for the second respondent has submitted that after receipt of the copy of the award on 2.2.2009, the compensation of Rs.2,15,352/- was deposited before the Deputy Commissioner of Labour-II, Chennai on 21.2.2009. So far as Mr.T.Palanivel, the appellant in C.M.A.No.128 of 2014, is concerned, he sustained the injuries during the course of employment on 12.12.2007 and the award came to be passed on 3.2.2010 in E.C.No.75 of 2008. Learned counsel for the second respondent has submitted that the compensation of Rs.2,39,080/- was deposited on 6.5.2010 before the Deputy Commissioner of Labour-II, Chennai.

8. In the light of the above settled legal position, this Court hereby directs the second respondent Insurance company in each case to deposit the interest at the rate of 12% per annum on the compensation awarded to the appellant/claimant after thirty days from the date of accident till the date of deposit i.e., from 23.12.2006 in the case of Mr.A.Ramanathan, the appellant in C.M.A.No.35

of 2014 and from 12.1.2008 in the case of Mr.T.Palanivel, the appellant in C.M.A.No.128 of 2014, to the credit of the E.C.Nos.001 of 2007 & 75 of 2008 respectively on the file of the Deputy Commissioner of Labour-II, Chennai within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, it is open to the appellant/claimant in each case to withdraw the entire amount with accrued interest by moving appropriate application before the lower authority. With the above modification, the civil miscellaneous appeals are disposed of accordingly. No costs."

5. In view thereof, this civil miscellaneous appeal stands allowed and the second respondent-Insurance company is directed to deposit the interest at the rate of 12% per annum on the compensation awarded to the appellants/claimants after thirty days from the date of accident till the date of deposit i.e., from 7.9.2013 to the credit of the E.C.No.519 of 2013 on the file of the Deputy Commissioner of Labour-II, Chennai within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, it is open to the appellants/claimants to withdraw the entire amount with accrued interest by moving appropriate application before the lower authority. No costs.
ss

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour-II
Commissioner for Workmen's Compensation-II
Teynampet, Chennai 600 006

Copy to:-

The Section Officer,
V.R.Section,
High Court, Madras - 104.

+1cc to Mr.K.Varadha Kamaraj, Advocate, SR.No.55313

C.M.A.No.143 of 2016

Kak (07/08/2019)