

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.3418 of 2011

R. Puthuraj .. Appellant/ Appellant
-vs-

1. S. Seethalakshmi,
2. Oriental Insurance Co. Ltd.,
No.8, Esplanade,
Chennai 600 108.

.. Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30A of the W.C. Act, 1923 against the order dated 24.5.2010 passed in W.C.No.497 of 2007 by the Deputy Commissioner for Labour-II (Commissioner for Workmen's Compensation-II), Chennai 600 006.

For Appellant : Mr. A. Shanmugaraj

For Respondents : Mr. N. Manohar for R2

JUDGMENT

Challenging the award of the Deputy Commissioner of Labour, Commissioner of Workmen's Compensation-II, Chennai, 6 dated 24.5.2010 in W.C.No.497 of 2007, the claimant has preferred the present Civil Miscellaneous Appeal.

2. According to the claimant, the Deputy Commissioner for Labour-II under Workmen's Compensation Act has awarded compensation of Rs.42,130/- and the 2nd respondent Insurance Company is directed to deposit the said amount within a period of 30 days from date of receipt of that order, in default, levied interest at the rate of 12% after the expiry of 30 days from the date of petition, i.e., on 26.12.2006.

3. He would further submit that the Honourable Supreme Court in the case of Pratap Narain Singh Deo vs Shrinivas Sabata and another reported in 1976 A.C.J.141, has held that the claimant is entitled as per section 4(A)

of Workmen's Compensation Act, interest from the expiry of 30 days from the date of accident. Therefore, the order passed by the Deputy Commissioner for Labour-II (Commissioner for Workmen's Compensation-II) is bad and seek for interest from the date of accident.

4. Per contra, learned counsel for the Insurance Company would vehemently contend that the accident had taken place on 26.3.1999. The claimant should have preferred the claim petition on or before 25.3.2001, whereas the claim was filed only on 26.12.2006. Had the claim petition was filed in time, the matter would have been disposed of and the public money would not have been wasted by way of interest. Thus, for the delay caused by the claimant, the Insurance Company should not be penalised. Therefore he prayed for dismissal of this appeal.

5. This Court considers that the submission made by the counsel appearing for 2nd respondent has some force. For the delay committed by the claimant, even though it is condoned, the respondent should not be penalised by way of levying interest.

6. In view of the above, this Court is of the view that the claimant should have filed the claim petition on or before 25.4.2001, but he has filed the petition only on 26.12.2006. Since there is a delay between 25.4.2001 to 26.12.2006, for the delayed period, the 2nd respondent is not liable to pay interest.

7. Thus from the date of 26.4.2001 to 26.12.2006, the 2nd respondent Insurance Company is not liable to pay any interest. The Insurance Company is directed to deposit the interest @ 12% on the amount awarded by the Commissioner from the date it fell due viz after expiry of 30 days from the date of accident till the date of deposit excluding the delayed period mentioned above within a period of six weeks from the date of receipt of a copy of this order.

8. The Civil Miscellaneous Appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msr

To,
1.The Deputy Commissioner of Labour-II,
Commissioner for workmen's
Compensation-II,
Chennai 600006

+1cc to Mr.S. Manohar , Advocate SR.No. 14751

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A.SK(11/06/2019)



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