

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.623 of 2012

1.M.Veilankanni
2.M.Vijayalakshmi (Minor)
3.M.Ajith (Minor)
4.M.Vijay (Minor)
5.Ramesh (Minor)
6.P.Vembu
7.T.Ponnusamy
(Minor 2 to 5 are rep.by next
friend natural guardian and mother
M.Veilankanni) ... Appellants

vs

1.V.K.Raju
2.The New India Assurance Co., Ltd.,
No.46, Moore Street,
Chennai 600 001. ... Respondents

Prayer: Civil Miscellaneous Appeal has been filed under Section 30 of Workmen's Compensation Act, 1923, against the order dated 21.04.2003 made in W.C.No.107 of 2002, on the file of Court of Commissioner for Workmen's Compensation I, (Deputy Commissioner of Labour I), Chennai 6.

For Appellant : M/s. A.Shanmugaraj

For R2 : Mr.M.Krishnamoorthy

J U D G M E N T

The appellants were the claimants before the Deputy Commissioner of Labour-I, Chennai in W.C.No.107 of 2002. The said claim petition was filed by the dependents of late Manivannan, the deceased employee of the 1st respondent after his death on 18.10.2001.

2. By the impugned order, the Deputy Commissioner of Labour has awarded a sum of Rs.4,16,462/- to be paid within a period of thirty days from the date of the impugned order, failing which the 2nd respondent/Insurance Company was liable

to pay interest at 12% per annum from the date of accident till the date of deposit

3. Aggrieved by the above direction restricting the interest, the present Civil Miscellaneous Appeal has been filed. In the present Civil Miscellaneous Appeal, the appellant has raised the following substantial questions of law for consideration:-

" Whether the Commissioner for Workmen's Compensation - I ought not to have awarded interest at the rate of 12% p.a., from the date of accident under Sec.4A (3) of W.C.Act when the award was passed on merit?"

4. However, at the time of hearing, the learned counsel for the appellant has restricted the appeal qua the interest alone. It is submitted that the interest is payable from the date of the accident and not an ordered by the Deputy Commissioner of Labour- 1, Chennai.

5. As per the following judgments, interest is to be awarded from the date of accident.

- i. Pratap Narain Singh Deo vs Srinivas Sabata and Another, (1976) 1 SCC 289.
- ii. Jaya Biswal and Others vs Branch Manager, IFFCO Tokio General Insurance Co. Ltd., 2016 (1) TN MAC 289 (SC).
- iii. N.Ganesan vs Thilagavathi and Others, 2010 (2) TN MAC 80 (DB).
- iv. R.Prakasam vs M/s. A to Z Cargo Carieer and Another, passed by this Court in C.M.A.No.2558 of 2015.

6. In Pratap Narain Singh Deo vs Srinivas Sabata and Another, (1976) 1 SCC 289, it was held that it was the duty of the employer to pay the compensation at the rate provided in Section 4 of the Workmen's Compensation Act, 1923 as soon as personal injury was caused to the respondent under Section 4 (A) (1) of the Act.

7. In N.Ganesan vs Thilagavathi and Others, 2010 (2) TN MAC 80 (DB), after considering elaborately the several decisions of the Hon'ble Supreme Court including the above cited decision, this Court held as follows:-

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.

8. In view of the above decisions, I am inclined to allow this Civil Miscellaneous Appeal by awarding the interest at 12% from the date of accident till the date of deposit. Therefore, the 2nd respondent is directed to deposit the interest at 12% from the date of accident till the date of deposit within a period of 30 days from the date of receipt of a copy of this judgment.

9. Accordingly, the order of the Deputy Commissioner of Labour-1, Chennai is modified. The present Civil Miscellaneous Appeal is allowed accordingly. No cost.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kkd
To

The Commissioner for Workmen's Compensation I,
(Deputy Commissioner of Labour I), Chennai 6.

+1cc to Mr.A.Shanmugaraj , Advocate SR.No. 98732

+1cc to Mr.M.Krishnamoorthy , Advocate SR.No. 98614

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A.SK(11/02/2020)

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