



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.P.No.14232 of 2019 in
C.M.A. SR No.60555 of 2019

The General Manager,
Villupuram Cuddalore District,
Co-operative Milk Producers &
Union Ltd., A.Kandamanadi Village & Post,
Villupuram District. ... Petitioner/Appellant

-vs-

1.The Joint Commissioner of Labour,
Workmen Compensation, Vellore.

2.The Inspector of Factories,
Villupuram.

3.Jayalakshmi

4.Jegachitradevi

5.Selvi Pushpadevi

6.Logaratchagan

7.Saroja ... Respondents/Respondent

Prayer in C.M.P.: Petition filed under Section 30(3) of the Workmen Compensation Act read with Section 5 of Limitation Act to condone the delay of 50 days in filing the Civil Miscellaneous Appeal against the award dated 22.01.2018 in the credit of W.C. New No.368 of 2015 (Old W.C. No.500 of 2010) on the file of the Joint Commissioner of Labour, Vellore (Workmen Compensation Court, Vellore).

Prayer in CMA SR No.60555 of 2019 : Pleased to set aside the award made in W.C.New No.368/2015(Old W.C.No.500 of 20100 dated 22.02.2019 on the file of the Joint Commissioner of Labour, Vellore, (Workman Compensation Court, Vellore)



For petitioner : Mr.K.N.Pandian

ORDER

WEB COPY

The General Manager of Co-operative Milk Producers & Union Ltd. has come to this Court with a delay of 50 days in filing the above C.M.A. against the Award dated 22.01.2018 passed in W.C. No.368 of 2015 (Old W.C. No.500 of 2010) by the Joint Commissioner of Labour, Workmen Compensation, Vellore.

2.Learned counsel appearing for the petitioner sought to explain the delay stating the reasons that after the Award was passed on 22.02.2019, the original order copy was not made available, since the same was mixed with other files in their office. After tracing out the same only on 10.06.2019, the petitioner rushed to the Counsel at High Court, Chennai to file the above C.M.A. In the meanwhile, there was a delay of 50 days in filing the above C.M.A.

3.It is seen that the learned Commissioner, taking note of the fact that the deceased died in the accident occurred on 21.07.2010 due to electrocution namely, the deceased died while he was attempted to stop the leakage of current in the electric motor, considering the claim petition filed in W.C. No.368 of 2015 claiming compensation of Rs.51,19,483/- under the Employee's Compensation Act and analysing all the evidences produced before him, namely, F.I.R. registered on 22.07.2010, Post Mortem Certificate and the medical report, which are showing that the deceased died due to electrocution during the course of employment, passed an Award on 22.02.2019 only granting a sum of Rs.6,95,080/- when the deceased was aged about 23 years on 21.07.2010. As against the same, the appeal has been sought to be filed by the General Manager, Co-operative Milk Producers & Union Ltd. In the meanwhile, there has been a delay of 50 days in filing the same.

4.When the Commissioner has passed the Award by granting a sum of Rs.6,95,080/- towards compensation to the claimants, this Court, finding no reason to interfere with the same, is not inclined to allow the petition as the quantum of compensation for the death of the deceased was only a minimal.

5.As it is well settled law that every day's delay has to be explained and no such explanation has been given in the present case for condoning the delay and for not filing the appeal within the reasonable time, this petition fails and the same is dismissed. Consequently, CMA No.SR60555 of 2019 stands rejected. No costs.



6.It is submitted by the learned counsel appearing for the petitioner that the petitioner has already deposited the entire award amount. Therefore, the claimants are permitted to withdraw the award amount. .

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

vga

To

1.The Joint Commissioner of Labour,
Workmen Compensation, Vellore.

2.The Inspector of Factories,
Villupuram.

+1cc to Mr.K.N.Pandian, Advocate SR.No.60512

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C.M.A. SR No.60555 of 2019

VBA (CO)
GMY (20/08/2019)