

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.04.2019
CORAM
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE
C.M.A.No.85 of 2014

D.Srinivasan

... Appellant/Petitioner

..Vs..

1.V.Raju

(R1 remained ex parte before the Forum)

2.The United India Insurance Co. Ltd.,

A5 and A6, 2nd Floor,

Appasamy Towers

New No.23, Sir Thyagaraya Road

Near Old Nagesh Theatre

T.Nagar, Chennai - 600 017.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Work Men's Compensation Act, against the Award dated 07.01.2011 made in W.C.No.227 of 2010 on the file of the Deputy Commissioner of Labour-II, Chennai.

For Appellant : Mr.Terry Chellaraja

For Respondents: Mr.S.Arunkumar for R2

R1 ex parte

J U D G M E N T

The instant appeal has been filed challenging the award dated 07.01.2011 passed by the Deputy Commissioner of Labour-II, Chennai in W.C.No.227 of 2010.

2. The only ground for challenge in this appeal is that under the impugned award, interest has not been awarded to the Appellant, who sustained injuries during the course of employment.

3. The learned counsel appearing for the Appellant submitted that it is settled law that interest has to be awarded to the Appellant. He drew the attention of this Court to the Division Bench Judgment of this Court in the case of N.Ganesan vs. Thilagavathi and others reported in 2010 (2) TN MAC 80 (DB) wherein the Division Bench of this Court held that the interest on the compensation awarded under the Employees Compensation Act is payable after 30 days from the date of accident and not from the date of adjudication of the claim. According to the

Appellant, the Appellant is entitled to be paid interest from 08.01.2010, i.e., after 30 days from the date of accident. The submission made by the learned counsel for the Appellant is not seriously disputed by the learned counsel for the second respondent.

4. In the case on hand, as seen from the impugned award, no interest has been awarded to the Appellant. It is also represented that the principal amount awarded by the Tribunal under the impugned Award has already been deposited by the second respondent which is also withdrawn by the Appellant. Therefore, the only issue before this Court is payment of interest.

5. Considering the aforesaid Division Bench Judgment of this Court, this Court modifies the award dated 30.09.2010 passed in W.C.No.227 of 2010 by the Deputy Commissioner of Labour-II, Chennai, by directing the second respondent to pay interest for the principal amount of Rs.1,62,662/- from 08.01.2010 i.e., after 30 days from the date of accident till the date of deposit, within a period of four weeks. On such deposit being made, the Appellant is permitted to withdraw the same by filing appropriate application.

6. With the above modification and direction, this Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Labour-II, Chennai.

+1cc to M/s.S.Arunkumar, Advocate sr.34928
+1cc to M/s.M.Malar, Advocate sr.34576

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skv(co)
nr 20/06/2019