



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.6267 of 2010
and M.P. (MD) .No.1 of 2010

The Divisional Manager,
The Oriental Insurance Company Limited,
Divisional Office,
6-A, North Cotton Road,
AVM Building, Tuticorin.

.. Petitioner

Vs.

The Workmen Compensation Tribunal
and Deputy Commissioner of Labour,
Tirunelveli.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, to call for the records relating to the order passed by the respondent herein, in his suo-moto orders passed in A1/10377/09, dated 19.02.2010 in W.C.No.13 of 2004 and quash the same with reference to the interest payable from the date of claim as devoid of merit.

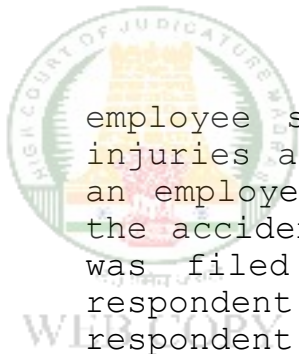
For Petitioner : Mr.K.Bhaskaran

For Respondent : Mr.D.Muruganandam
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of Certiorari, to call for the records relating to the order passed by the respondent herein, in his suo-motu orders passed in A1/10377/09, dated 19.02.2010 in W.C.No.13 of 2004 and quash the same with reference to the interest payable from the date of claim as devoid of merit.

2.The facts in this writ petition are not in dispute. The legal representatives of an employee of an individual filed a claim petition before the Workmen Compensation Tribunal under the provisions of Workmen's Compensation Act. The employee was working as a driver in the lorry belonging to one M.Bhavani/first opposite party to the claim petition. In the course of employment, the



employee sustained multiple injuries and later succumbed to the injuries at the Government Hospital, Guntur. Since the driver was an employee of the first opposite party in the claim petition and the accident occurred in the course of employment, a claim petition was filed before the Tribunal / first respondent. The first respondent / Tribunal passed an award by directing the second respondent to pay a sum of Rs.2,71,484/- with a further direction by the impugned order to the petitioner to deposit the amount with interest at the rate of 12% from the date of claim petition. Challenging the portion of the order directing the petitioner to pay interest at the rate of 12% from the date of petition, the writ petition came to be filed.

3.Learned counsel for the petitioner fairly submitted that the matter is finally resolved by Larger Bench of Honourable Supreme Court in ***Pratap Narain Singh Deo Vs. Srinivas Sabata and another*** reported in ***(1976) 1 Supreme Court Cases 289***. The Honourable Supreme Court held that the employer became liable to pay the compensation since the personal injury was caused to the workmen by the accident which arose out of and in the course of employment. It was further held that the workmen is entitled to interest at the rate of 12 % from the date of accident. It is in the circumstances, this Court is of the view that the writ petition is liable to be dismissed. The Writ petition is filed without impleading the necessary parties and hence it is also liable to be dismissed on the ground of non joinder of necessary parties.

4.Accordingly, this writ petition is dismissed. This Court while admitting the writ petition has granted interim stay and the interim order continues till today. In view of the disposal of the writ petition, the connected miscellaneous petition for stay is dismissed and the petitioner is directed to make the payment to the claimant within a period of six weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar

To
The Workmen Compensation Tribunal
and Deputy Commissioner of Labour, Tirunelveli.
+1 CC to M/s.K.BHASKARAN, Advocate (SR-86074[F] dated 10/09/2019

W.P. (MD) .No.6267 of 2010

09.09.2019

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