

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

C.M.A.No.2685 of 2006
and C.M.P.No.9711 of 2006

The Chairman,
Tamil Nadu Electricity Board,
Chennai - 2.

... Appellant/
2nd respondent

Vs.

1.K.Chandriammal
2.Revathi
3.Anandan
4.Shanthi
5.K.Siva
6.Dhaya Naidu

... Respondents

Appeal filed under Section 30 of the Workmen's Compensation Act, 1923, against the order dated 10.06.2005 of the Deputy Commissioner of Labour-2, Commissioner for Workmen Compensation - 2, DMS Complex, Chennai - 6 made in W.C.No.5 of 2004.

For Appellant : Mr.V.Viswanathan
For Respondents: Mr.T.P.Sekar (R1 to R5)
Mr.T.Karunakaran (R6)

J U D G M E N T

Challenging the Award passed in W.C.No.5 of 2004 on the file of the Deputy Commissioner of Labour-2, Commissioner for Workmen's Compensation-2, Chennai, the Tamil Nadu Electricity Board, has filed the above appeal.

2.It is the case of the respondents 1 to 5, who are the legal heirs of the deceased Kasi, who died on 16.12.2001 while working in the 6th respondent's field where the high tension electric wire was detached from the electric post in the field and because of the electrocution, the said Kasi had died on the spot. The deceased was working with the 6th respondent, drawing a monthly salary of Rs.3,000/- and he was aged 55 years at the time of his death.

3.The respondents 1 to 5 filed the claim petition before the Commissioner for Workmen Compensation, claiming a total compensation of Rs.3 lakhs. The Commissioner, taking into consideration the case of both parties, awarded a total compensation of Rs.2,05,840/-, fixing the monthly salary of the deceased at Rs.3,000/- and his age at 55 years. The Commissioner also took into consideration Ex.P1, First Information Report wherein it has been stated that the accident had occurred only due to the negligence on the part of the 2nd respondent/appellant.

4.The Award was passed as early as in the year 2005. Now, after a lapse of more than 19 years, the appeal is listed before this Court, questioning the Award passed by the Commissioner for Workmen's Compensation. Since the deceased was working as a labourer under the 6th respondent, drawing a monthly wage of Rs.3,000/-, I am of the view that in the interest of justice, the Award passed by the Tribunal can be confirmed. Hence, the order is being confirmed, taking into consideration that the appellant was solely responsible for the accident, which took away the life of the deceased. Had the claimants filed a Civil Suit, claiming damages from the appellant - Board, they would have got much more than what was awarded by the Commissioner.

5.Considering the claimants' family circumstances, I am not inclined to interfere with the order passed by the Commissioner. The appeal is liable to be dismissed. Accordingly, the same is dismissed. The claimants are entitled to withdraw the amount deposited by the appellant - Board. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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सत्यमेव जयते

Sub Assistant Registrar

va

To

1.The Deputy Commissioner of Labour-2,
Commissioner for Workmen Compensation - 2,
DMS Complex, Chennai - 6.

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+1cc to Mr.Mr.V.Viswanathan, Advocate, S.R.No.23274
+1cc to Mr.T.Karunakaran, Advocate, S.R.No.23394

C.M.A.No.2685 of 2006
and C.M.P.No.9711 of 2006

rsk(CO)
jrs(27/05/2020)



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