

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A. No.1226 of 2016

United India Insurance Co. Ltd.
No.2, Dr.Sankaran Road
Namakkal Town & Taluk

... Appellant

vs.

1.Chinnusamy
2.Tmt.Pappathi

...Respondents

Civil Miscellaneous Appeal filed under Section 30(a) of the Workmen's Compensation Act, 1923 against the Award dated 17.08.2015 made in W.C. No.239/2013 on the file of Deputy Commissioner of Labour, Salem.

For Appellant : Ms.K.Ramani
for Mr.C.Paranthaman

For Respondents : Mr.Ma.Pa.Thangavel for R1
No Appearance for for R2

J U D G M E N T

Challenge in this appeal is to the Award of the Deputy Commissioner of Labour, Salem dated 17.08.2015 made in W.C. No.239/2013. For the sake of convenience, the parties are referred to according to their rank in the court below.

2. The only issue raised in this civil miscellaneous appeal is that there is no employer - employee relationship, which has not been established by the applicant before the authority and the authority holding that there was employee - employer relationship between the applicant and the first respondent, by taking note of the insurance policy prevalent at that point of time, awarded compensation.

3. The authority, taking note of the evidence, came to the conclusion that there was employer - employee relationship and that accident took place out of and under the course of the employment and as no documentary evidence has been produced with

regard to age, by taking note of G.O.2(D) No.64 Labour and Employment Department dated 23.07.2009, the authority fixed the minimum wages applicable to the category in which the applicant was employed and arrived at a compensation of Rs.2,73,865/-. As it is a finding of fact and there is no substantial question of law involved in this case, this court is not inclined to accept the contention of the appellant.

4. As the petitioner has suffered the loss of earning capacity at 43% as observed by the authority, the amount lying before the authority, shall be paid to the applicant together with accrued interest within a period of one month from the date of receipt of the judgment after making necessary enquiries.

5. Accordingly, the Civil Miscellaneous Appeal is dismissed. However, there shall be no order as to cost.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

Asr
To

The Deputy Commissioner of Labour, Salem

+1 CC to Mr.C.Paranthaman, Advocate sr 2201.

+1 CC to Mr.Ma.Pa.Thangavel, Advocate sr 2455.

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CP(CO)
SP(11/02/2020)

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