

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM:

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.No.2848 of 2017

M/s.Texin Printers

26, Indra Nagar,

Chithode, Erode District,

PIN - 641 687,

rep. by R.Somasundaram,

Managing Partner.

... Appellant

vs.

1. Employees Compensation Commissioner-II/
Deputy Commissioner of Labour II,
Teynampet, Chennai.

2. Thambiyapillai

3. Yasodha

4. Saraswathy

5. Aruldevi

6. Gayathri

7. Abirami

8. Ishwarya

9. Regina

... Respondents

Civil Miscellaneous Appeal filed under Section 30 of the Employees Compensation Act, 1923 against the Award dated 07.10.2014 passed in W.C.No.211 of 2009 by the Commissioner of Employees Compensation No.II/Deputy Commissioner of Labour II, Teynampet, Chennai.

For Appellants : Mr.K.V.Shanmuganathan

For Respondents 2 to 9: Mr.G.Senthil Kumar

R1 : Labour Court

J U D G M E N T

Challenging the Award dated 07.10.2014 passed in W.C.No.211 of 2009 by the Commissioner of Employees Compensation No.II/Deputy Commissioner of Labour II, Teynampet, Chennai, the Appellant/Management has come up with the present Appeal.

2. It is seen that the deceased viz. T.Suresh, was employed under the Appellant/Management. Respondents 2 to 9 herein are the father, mother, sisters and brothers of the deceased. As there was no proof to establish that the deceased was earning Rs.6,000/- as monthly income, the Tribunal fixed his monthly income at Rs.4,000/-. Taking the age of the deceased at the time of his death as '24' and applying the age factor as 218.47, the Authority awarded compensation as Rs.4,39,440/- including Rs.2,500/- towards funeral expenses, together with interest at 12% per annum.

3. When the matter is taken up for hearing, it is represented by the learned counsel for the Appellant/Management that the Appellant will not be in a position to pay more than Rs.2 lakhs as compensation to Respondents 2 to 9/Claimants, as, according to them, the deceased did not die out of and in the course of employment, rather, he committed suicide.

4. When the Authority has rendered a finding of fact, this Court cannot substitute the same. However, this Court posed a question to the learned counsel for the parties to negotiate between the parties and try to bring about a settlement. Ultimately, learned counsel for the Appellant/Management submitted that, the Management has agreed to pay a sum of Rs.3,00,000/- as compensation to the Claimants, though, according to them, they are not liable to pay even a single pie.

5. While so, learned counsel appearing for Respondents 2 to 9/Claimants submitted that, the deceased died only during the course of employment under the Appellant.

6. Finally, this Court suggested the Appellant/Management to pay a sum of Rs.3,25,000/- as full quit to the Claimants, so that, the entire issue can be given a quietus to, and the learned counsel appearing for Respondents 2 to 9/Claimants agreed to the same.

7. In view of the above, the Appellant/Management is directed to pay compensation of a sum of Rs.3,25,000/- as full quit to Respondents 2 to 9/Claimants, directly, by means of a Demand Draft, within a period of two weeks from the date of receipt of a copy of this order and each of Respondents 2 to 9 shall acknowledge the receipt of the Demand Draft.

8. The Appellant/Management shall produce the Acknowledgment obtained from Respondents 2 to 9 towards receipt of the Demand Draft for a sum of Rs.3,25,000/-, before the Authority concerned and only thereafter, the entire amount together with interest lying in deposit, shall be released to the Appellant/Management, within a period of two weeks. The

settlement between the parties shall be treated as a compromise between them, in terms of Section 28 of the Workmen's Compensation Act.

The Civil Miscellaneous Appeal is disposed of accordingly.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:
The Commissioner of Employees Compensation No-II/
Deputy Commissioner of Labour II,
Teynampet, Chennai.

Copy To
The Section Officer,
VR Section, High Court, Madras 600 104

+1 cc to M/s.K.V.Shanmuganathan, Advocate Sr.No. 13499
+1 cc to M/s.G.Senthil Kumar, Advocate Sr.No. 13696

C.M.A.No.2848 of 2017

EV(CO)
RMP(27/11/2020)

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