

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.02.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
C.M.A.No.117 of 2006
C.M.P.No.2865 of 2006

The Managing Director,
The Metro Politan Transport Corporation
Chennai Division-I Ltd., Anna Salai,
Chennai-2.

.. Appellant/1st Respondent

vs.

1.B.N.Krishnaveni

2.J.Pushparani

3.B.N.Kavitha

4.Janakiammal

.. Respondents/2,3,4 Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 30 of Workmen Compensation Act, against the judgment dated 02.09.2002 made in W.C.No.149 of 2001 on the file of the Commissioner for Workmen Compensation-II, Deputy Commissioner of Labour-II, Chennai.

For Petitioner : Mr.K.Moorthy

For Respondents : Mr.V.Mohan Choudary for R1
Batta due-RR2 to 4

O R D E R

The Civil Miscellaneous Appeal is filed against the judgment dated 02.09.2002 made in W.C.No.149 of 2001 on the file of the Commissioner for Workmen Compensation-II, Deputy Commissioner of Labour-II, Chennai.

2. The Substantial question of law raised in the appeal on hand is that whether the Deputy Commissioner of Labour is right in holding that the accident took place during the course of employment; whether the Deputy Commissioner of Labour is right in holding that the accident took place during the negligence of the Management; whether the deceased was a workman at the time of accident:

3. The question raised is whether the accident occurred during the course of employment or not.

4. The respondents filed an application seeking compensation under the Workmen Compensation Act. It is contended that the deceased was working with the appellant/Metro Politan Transport Corporation for a monthly salary of Rs.4487.75/- and he was aged about 50 years at that point of time. On 22.01.1998 at about 3.15 p.m., when the deceased was performing his duties in order to rectify the electrical problems, the vehicle, in which the deceased was performing works, automatically got started and moved, at that point of time, the deceased sustained fatal injuries and died on the spot. A criminal case was registered before the Ambattur Police Station. The Deputy Commissioner of Labour adjudicated the issues with reference to the documents and evidence produced. The Assistant Branch Manager, R.W.1, has deposed before the Deputy Commissioner of Labour that the deceased was performing certain electrical works in the vehicle and he has not followed safety measures. Therefore, it was established before the Deputy Commissioner of Labour that the accident occurred during the course of employment. When the Assistant Branch Manager of the Transport Corporation categorically deposed that the accident occurred when the deceased was performing certain duties and responsibilities by attending electrical repairs in the bus, there is no reason to raise the question regarding the employer/employee relationship as well as the accident took place during the course of employment. When these factors are in accordance with law, this Court is of the opinion that the Deputy Commissioner of Labour has not committed any infirmity in passing the award. Therefore, this Court is not inclined to interfere with the order passed by the Deputy Commissioner of Labour. Accordingly, the award dated 02.09.2002 made in W.C.No.149 of 2001 stands confirmed and consequently, Civil Miscellaneous Appeal stands dismissed. No costs. The respondents/claimants are permitted to withdraw the award amount by filing an appropriate application before the competent authority and the payments are to be made through RTGS. Consequently, connected miscellaneous petition is also closed.

sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar+1cc to

ssb

To

Commissioner for Workmen Compensation-II,
Deputy Commissioner of Labour-II,
Chennai.

+1cc to Mr.K.Moorthy, Advocate, S.R.No.5260.

C.M.A.No.117 of 2006

PVS (CO)
CSR 17.03.2021



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