

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-01-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMA No.342 of 2008

And

MP No.1 of 2008

The National Insurance Co. Ltd.,
751, Anna Salai,
Chennai-600 002.

.. Appellant/2nd Opposite Party

vs.

1.Thiru V.Siva ...1st Respondent/Applicant

2.Thiru M.Sampath .2nd Respondent/1st opp.party

PRAYER : Civil Miscellaneous Appeal is preferred under Section 30 of the Workmen Compensation Act, against the Award dated 22.10.2007 made in W.C.No.277 of 2004 of on the file of the Deputy Commissioner of Labour-I, Chennai.

For Appellant : Mr.S.Vadivel

For Respondents : Batta due

J U D G M E N T

The Award dated 22.10.2007 passed in W.C.No.277 of 2004 by the Deputy Commissioner of Labour-I, Chennai, is under challenge in the present Civil Miscellaneous Appeal.

2. The first respondent was employed as a Cleaner in a Van bearing Registration No.TN-09-Z-8694 for a monthly salary of Rs.4,500/- and the first respondent was working for a period of one year. During the relevant point of time, the first respondent was aged about 20 years and on 18.03.2004 at about 09.30 hours, while the first respondent/claimant was travelling as a Cleaner in the said Van, driven by its driver Mr.Settu, met with an accident and the Van was capsized. The first respondent/claimant sustained grievous injuries and admitted at Sundar Hospital, Poonamallee. The first respondent filed a claim petition, claiming compensation under Section 10 of the Workmen Compensation Act, 1923.

3. The Deputy Commissioner of Labour adjudicated the issues with reference to the documents and the evidences produced. The Deputy Commissioner of Labour finally passed an Award, granting compensation of Rs.1,17,549/-. The age of the claimant was 20 at the time of accident and accordingly, the Table was adopted. The loss of income was assessed at 30% and the monthly salary of the claim was fixed at Rs.2,915.40. Taking into consideration of all these aspects, the total compensation of Rs.1,17,549/- was awarded by the Deputy Commissioner of Labour.

4. Learned counsel for the appellant-Insurance Company mainly contended that the quantum of compensation is exorbitant. The Deputy Commissioner of Labour has not considered the gravity of the injuries sustained and therefore, the compensation is not in commensuration with the injuries sustained by the first respondent.

5. This Court is of the considered opinion that the Deputy Commissioner of Labour has reasonably considered the facts and circumstances and even the monthly salary of the first respondent was fixed at Rs.2,915.40, which cannot be said to be excessive or not in commensuration with the injuries sustained.

6. In view of the fact that the compensation granted by the Deputy Commissioner of Labour is a just compensation, no further interference is required in this Civil Miscellaneous Appeal.

7. Accordingly, the Award dated 22.10.2007 passed in W.C. No.277 of 2004 by the Deputy Commissioner of Labour-I, Chennai, stands confirmed and consequently, Civil Miscellaneous Appeal No.342 of 2008 stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

The Deputy Commissioner of Labour-I,
Chennai.

+1cc to M/s.S.Vadivel, Advocate SR.3173

C.M.A.No.342 of 2008

AD(CO)
CB(12/03/2021)