

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1049 of 2015

M.P.No.1 of 2015

M.Nithyanandham
Sri Kanaga Lakshmi Industries
No.1, Renuga Mahal,
Lurthu Mada Street,
Krishnamoorthi Nagar,
Chennai-600 118

..Appellant

vs.

1.D.Tamilselvan

2.The Deputy Commissioner of Labour,
Office of the Deputy Commissioner,
DCL-1, DMS Compound,
Teynampet, Chennai-600 006.

3.Manogaran,
Sri Kanaga Lakshmi Industries
No.1, Renuga Mahal,
Lurthu Mada Street,
Krishnamoorthi Nagar,
Chennai-600 118.

.. Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 30 of Workmen Compensation Act, against the order passed by the Deputy Commissioner of Labour-1, Chennai-6 in W.C.No.43 of 2012 dated 16.03.2015.

For Petitioner : Mr.M.Sunil Kumar

For Respondents : M/s.A.Sulochana for R1
R3-Given up
R2-not ready in notice

ORDER

The Civil Miscellaneous Appeal is filed against the order passed by the Deputy Commissioner of Labour-1, Chennai-6 in W.C.No.43 of 2012 dated 16.03.2015.

2. The appellant has not raised any substantial question of law. The first respondent was an employee with the appellant. He was employed as a helper and earning a monthly salary of Rs.5,000/-. The appellant was running Sri Kanaga

Lakshmi Industries. While the first respondent was working with heavy machine, he sustained injuries viz., Crush Amputation-Partial- (P), Right hand crush injury, without St.Palm, Dorsum, Forearm, Compound Fracture II, III, MC, with Exterior Muscles, Forearm, CMC Joint Dislocation-Subluxation-Carpal Bones. The accident occurred on 03.10.2009 at about 9.00 a.m. The first respondent was admitted in the Government Stanley Hospital and took treatment as in-patient till 31.10.2009. In view of the fact that the first respondent sustained grievous injuries, he filed an application seeking compensation under the Workmen's Compensation Act. The Deputy Commissioner of Labour adjudicated the issues with reference to the documents and evidence produced by the parties. The factum regarding the accident was established and the employer-employee relationship was also established. The accident occurred during the course of employment. This being the factum established, the Deputy Commissioner of Labour awarded a compensation of Rs.3,56,522/- (Rupees Three Lakhs Fifty Six Thousand Five Hundred and Twenty Two Rupees Only) along with interest at the rate of 12% per annum.

3. The appellant filed this appeal contesting certain facts and the learned counsel for the appellant states that the appellant Industries is a small Industries and the amount of award is huge.

4. Such grounds are unsustainable. When the employee suffered greivous injuries which caused disability, the employer is liable to pay compensation under the provisions of the Act. More specifically, in the present appeal, absolutely no substantial question of law is raised and the facts were elaborately adjudicated by the trial Court. This being the factum, the award dated 16.03.2015 passed in W.C.No.43 of 2012 stands confirmed and consequently, connected Civil Miscellaneous Appeal stands dismissed. The respondents/claimants are permitted to withdraw the entire award amount along with accrued interest by filing an appropriate application before the competent authority and the payments are to be made through RTGS. No costs. Consequently, connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Deputy Commissioner of Labour-1,
Teynampet Chennai-6.

+1 CC to Mr.M.Sunil Kumar, Advocate sr 6101.

C.M.A.No.1049 of 2015

BS (CO)
SP (02/03/2021)



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