

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-01-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMA No.1281 of 2015

The Executive Engineer,
Tamilnadu Electricity Board,
Villupuram Electricity Distribution Circle,
Villupuram-605 602.

.. Appellant/Respondent

vs.

1.P.Parasuraman

2.The Presiding Officer,
Deputy Commissioner of Labour-II,
DMS Compound,
Teynampet,
Chennai-600 018.

.. Respondents

PRAYER : Civil Miscellaneous Appeal is preferred under Section 30 of the Workmen Compensation Act, against the Award dated 09.02.2012 made in AH1/2655/2011 on the file of the Deputy Commissioner of Labour-II, Chennai.

For Appellant : Mr.Viswanathan,
Standing Counsel for Electricity Board.

For Respondent-1 : No Appearance

For Respondent-2 : Court

J U D G M E N T

The substantial question of law raised in this Civil Miscellaneous Appeal by the appellant is that whether the authority is right in fixing disability of the first respondent at 25%, especially when the first respondent resumed as a Line Inspector.

2. The claimant was performing his duties as Line Inspector. On 23.09.2008, when he was on duty, he met with an accident. Therefore, an application is filed, seeking

compensation under the Workmen Compensation Act.

3. The Deputy Commissioner of Labour adjudicated the issues with reference to the documents and the evidences produced by the respective parties.

4. The findings of the Deputy Commissioner of Labour reveal that at the time of accident, the victim was aged about 51 years. The salary certificate issued by the Administration was also marked as document. He was drawing a monthly salary of Rs.12,628/- and the accident occurred during the course of employment. The disability was fixed as 25% and therefore, the loss of income was also calculated at 25%.

5. This Court is of the considered opinion that the Medical Report fixing the disability as 25% during the relevant point of time, cannot be modified at this length of time and the Doctor fixed the disability based on the nature of injuries sustained by the claimant.

6. This being the factum, this Court do not find any perversity or infirmity, as such, regarding the findings of the Deputy Commissioner of Labour and the quantum of compensation is also calculated in accord with the provisions of the Statute and there is no infirmity.

7. Accordingly, the Award dated 09.02.2012 passed in AH1/2655/2011 by the Deputy Commissioner of Labour-II, Chennai, stands confirmed and consequently, Civil Miscellaneous Appeal No.1281 of 2015 stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn
To
The Deputy Commissioner of Labour-II,
Chennai.
+1cc to Mr.V.Vishwanathan, Advocate, sr no.3908

C.M.A.No.1281 of 2015

SR(CO)
RMP(04/03/2021)