

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22-01-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
CMA No.1011 of 2016

Mr.Arjun . Appellant/Applicant

vs.

1.Project Executive,
Valliammal Society and SRM Institute,
Department of Construction,
Chennai-33.
(R-1 remained ex parte before the Forum)

2.United India Insurance Company Ltd.,
A-5 & A-6, II Floor,
No.27, Appasamy Towers,
Sir Thiyagaraya Road,
Near Nagesh Theatre,
T.Nagar,
Chennai-600 017. ... Respondents/Opposite Parties

PRAYER : Civil Miscellaneous Appeal is preferred under
Section 30 of the Workmen Compensation Act, against the
Award dated 31.08.2009 made in W.C.No.180 of 2008 on the
file of the Deputy Commissioner of Labour-II, Chennai.

For Appellant : Ms.M.Malar

For Respondent-1 : No Appearance

For Respondent-2 सत्यमेव जयते Ms.R.Srividhya

J U D G M E N T

The present Civil Miscellaneous Appeal is filed
mainly on the ground that the Deputy Commissioner of Labour
has not granted interest from the date of accident, which
is contrary to violation of Section 4-A(3)(a) of the
Employees Compensation Act.

2. The factum regarding the accident was
established and the employer-employee relationship as well
as the course of employment were also established.

3. The Deputy Commissioner of Labour awarded a sum of Rs.3,25,987/- as compensation along with interest at the rate of 12% per annum from the date of expiry of 30 days of the date of the Award. Such an interpretation given by the Deputy Commissioner of Labour for grant of interest is in violation of the provisions of the Employees Compensation Act. Thus, the appellant is constrained to move the present Civil Miscellaneous Appeal.

4. The Employees Compensation Act is a Welfare Legislation. Thus, constructive interpretation is just and necessary. Once an employee met with an accident and sustained injury or died, the Award of compensation, the interest is to be paid from the date of accident because the period of litigation is unknown to the parties. Some litigations are disposed at the early stage and some at later stage. If interest is denied, it will create inconsistency or anomaly amongst the workmen, which is certainly not justifiable. Therefore, uniformity is to be followed for grant of interest in all cases of compensation under the Employees Compensation Act.

5. In order to maintain uniformity and by interpreting the provisions constructively, this Court is of the opinion that interest is to be paid as per Section 4-A(3)(a) from the date of accident and not from the date of passing the Award or from the date of 30 days expiry from the date of Award. Both the cases are erroneous and cannot be accepted at all.

6. The second respondent-Insurance Company is directed to pay the difference amount of interest, within a period of twelve weeks from the date of receipt of a copy of this judgment and on such deposit, the claimant is permitted to withdraw the same after filing an appropriate application before the Competent Authority and payments are to be made through RTGS.

7. Accordingly, the Award dated 31.08.2009 passed in W.C. No.180 of 2008 by the Deputy Commissioner of Labour-II, Chennai, stands modified and consequently, Civil Miscellaneous Appeal No.1011 of 2016 stands allowed in part. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Deputy Commissioner of Labour-II,
Chennai.

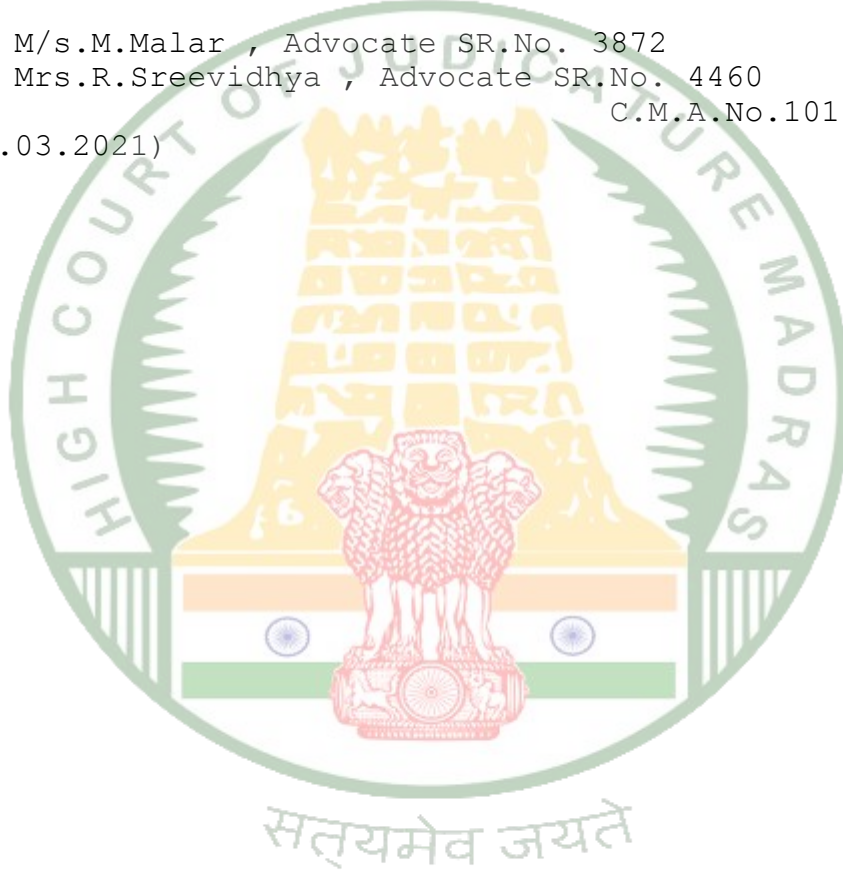
2.The United India Insurance Company Ltd.,
A-5 & A-6, II Floor,
No.27, Appasamy Towers,
Sir Thiyagaraya Road,
Near Nagesh Theatre,
T.Nagar,
Chennai-600 017.

+1cc to M/s.M.Malar , Advocate SR.No. 3872

+1cc to Mrs.R.Sreevidhya , Advocate SR.No. 4460

C.M.A.No.1011 of 2016

A.SK(04.03.2021)



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