

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1692 of 2016
and
C.M.P.No.12854 of 2016

The Senior Divisional Personnel Officer,
Southern Railway,
Chennai Division,
Chennai - 600 003. .. Appellant

Versus

1.M. Nagamani
2.The Deputy Commissioner of Labour - I,
Workmen Compensation Commissioner,
DMS Compound, Chennai - 600 006. .. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen Compensation Act 1923, to set aside the order made in W.C.No.95 of 2012, dated 09.12.2014 on the file of the Deputy Commissioner of Labour - 1, Workmen Compensation Commissioner, DMS Compound, Chennai - 600006.

For Appellant : Mr. M. Vijay Anand

For Respondents : Mrs. S.P. Sri Harini
for Mrs. Aparna, for R1
R2 - Dispense with

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J U D G M E N T

No substantial question of law has been raised in the present appeal by the appellant. Interestingly, the substantial question of law framed by the appellant reads as under:-

"It is submitted that the appeal has to be allowed there by setting aside the award passed by the second respondent in W.C.No.95 of 2012. I further submit that the entire amount of

Rs.2,87,860/- had been deposited into the accounts of the second respondent as early as 28.04.2015. Since, there is a fair chance of succeeding this appeal, I seek the indulgence of this Hon'ble Court in granting stay of the award passed in WCA.No.95 of 2012.

It is therefore prayed that this Hon'ble Court may be pleased to set aside in W.C.No.95 of 2012, dated 09.12.2014 on the file of the Deputy Commissioner of Labour-I, Workmen Compensation Commissioner, Chennai and thus render justice."

2. The above two paragraphs are not the question of law and in fact the relief sought for in the appeal is converted as question of law. The factum regarding the accident was not disputed. The allegation of the appellant that the deceased applicant suicide was also not established in an acceptable evidence. The Deputy Commissioner of Labour awarded the compensation of Rs.2,85,360/- by fixing the monthly salary of the deceased as Rs.4,000/-.

3. In view of the fact that there is no substantial question of law raised in the present appeal. This Court is not inclined to interfere with the award passed by the Deputy Commissioner of Labour. Further, the factum regarding the accident was established and the quantum of compensation awarded by the Deputy Commissioner of Labour is also just compensation. The claimant is permitted to withdraw the entire award amount with accrued interest by filing an appropriate application and the payments are to be made through RTGS. Thus, the award dated 09.12.2014 passed in W.C.No.95/2012, stands confirmed. CMA.No.1692 of 2016, stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AT
To

The Deputy Commissioner of Labour - I,
Workmen Compensation Commissioner,
DMS Compound, Chennai - 600 006.
+lcc to Mrs. Aparna,, Advocate SR.No. 2623

C.M.A.No.1692 of 2016 and
C.M.P.No.12854 of 2016

A.SK(25.02.2021)