

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.3266 of 2013
and
C.M.P.No.16894 of 2017

Easwaran ..Appellant/Respondent

Vs.

1.Sathaiya

2.Sathayee

3.Vijaya

4.Radha

5.Haridoss

..Respondents/Claimants

Prayer : Civil Miscellaneous Appeal filed under Section 30 of the Workman Compensation Act, against the order dated 08.07.2013 made in W.C.No.198 of 2010 by the Deputy Commissioner of Labour-I, Chennai.

For Appellants : Mr.Siva Suyambu
For Respondents : Mr.R.Thanjan

J U D G M E N T

The Civil Miscellaneous Appeal is filed against the order dated 08.07.2013 made in W.C.No.198 of 2010 by the Deputy Commissioner of Labour.

2. The substantial questions of law raised in the present Civil Miscellaneous Appeal are that whether the Deputy Commissioner of Labour can mechanically decide the death arising out of and in the course of employment without examining doctor; Whether Deputy Commissioner of Labour can come to the finding without convincing materials before him with regard to death.

3. Both substantial questions of law are not only vague but relateable to the facts and the appellant has not framed any acceptable substantial question of law for the purpose of deciding the issues. The claim petition was filed by the respondents under Section 10 of the Workmen Compensation Act stating that the deceased/Veerapandian who was aged about 22 years at the time of death, died on 05.08.2010 at about 10 to 10.30 a.m., on account of the accident occurred during the course of employment. The deceased died in the premise belongs to the appellant and due to the accident, the legal heirs filed an application seeking compensation. The Deputy Commissioner of Labour adjudicated the issues with reference to the documents and evidence available. The Deputy Commissioner of Labour categorically made a finding that the accident occurred during the course of employment and the appellant/employer had not established that the safety measures were taken in the place of work. In view of the fact that the employer/employee relationship was established, the Deputy Commissioner of Labour awarded a compensation of Rs.4,55,440/- (Rupees Four Lakhs Fifty Five Thousand Four Hundred and Forty Rupees Only) along with interest at the rate of 12% per annum. The appellant has not raised any valid substantial question of law for entertaining the appeal and even factually, the respondent/claimant could not establish that the accident occurred during the course of employment.

4. This being the factum, the award dated 08.07.2013 passed in W.C.No.198 of 2010 stands confirmed and consequently, Civil Miscellaneous Appeal stands dismissed. No costs. The respondents are permitted to withdraw the entire award amount along with accrued interest by filing an appropriate application and the payments are to be made through RTGS. Consequently, connected miscellaneous petition is also closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb
To

The Deputy Commissioner of Labour-I, Chennai.

+1 CC to Mr.R.Thanjan, Advocate sr 7002.

C.M.A.No.3266 of 2013

PA(CO)
SP(25/03/2021)