

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2797 of 2016

S.Panneerselvam

.. Appellant

vs.

1.J.Vedha Prakash

2.Reliance General Insurance Company Limited,

Rai's Tower, 2nd Floor,
Plot No.2054, 2nd Avenue,
Anna Nagar,
Chennai-600 040.

.. Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 30(1) of the Workmen's Compensation Act against the award dated 24.03.2016 passed in W.C.No.310 of 2013 on the file of the Deputy Commissioner of Labour-II, Chennai.

For Appellants : Mr.F.Terry Chella Raja

For Respondent : R1-Ex-parte
Mr.S.Arun Kumar for R2

O R D E R

The award dated 24.03.2016 passed in W.C.No.310 of 2013 is under challenge in the present Civil Miscellaneous Appeal.

2. The claimant is the appellant. The application was filed under the Workmen's Compensation Act on the ground that on 21.04.2013, at about 12.30 hours, while the appellant was traveling as Loadman in a lorry bearing Registration No.TN-22-BR-7854 proceeding near Vengacherry Maanthoppu, Kanchipuram District, the lorry met with an accident and the appellant sustained grievous injuries. The application was filed seeking compensation.

3. The Deputy Commissioner of Labour adjudicated the issues with reference to the documents and evidence produced by the respective parties. The factum regarding the accident was established and the employer/employee relationship was also proved and the accident occurred during the course of employment, when the appellant was working as Loadman and traveling in the lorry. However, the learned counsel appearing

on behalf of the appellant reiterated that the monthly income of the appellant fixed by the Deputy Commissioner of Labour as Rs.7283/- is erroneous, in view of the fact that the Central Government issued a notification under Section 4(1B) of the Employee's Compensation Act and a minimum wages is fixed as Rs.8,000/-. Thus, the monthly income ought to have been fixed as Rs.8,000/- instead of Rs.7,283/- which is lesser than that of the minimum wages fixed by the Central Government notification dated 31.05.2010.

4. Thus, this Court is inclined to enhance the monthly income fixed by the Deputy Commissioner of Labour as Rs.8,000/- instead of Rs.7,283/-. Accordingly, the appellant is entitled for a total compensation of Rs.5,08,296/- (Rupees Five Lakhs Eight Thousand Two Hundred and Ninety Six Rupees Only) along with interest at the rate of 12% per annum from the expiry of 30 days from the date of accident. The second respondent/Insurance Company is directed to deposit the total award amount along with accrued interest within a period of 12 weeks from the date of receipt of a copy of this order and on such deposit, the appellant is permitted to withdraw the same by filing an appropriate application and the payments are to be made through RTGS. Thus, the award dated 24.03.2016 passed in W.C.No.310 of 2013 stands modified and the Civil Miscellaneous Appeal stands allowed in part. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssb

To

1. Deputy Commissioner of Labour-II, Chennai.

+1cc to Mr.F.Terry Chella Raja, Advocate, S.R.No.11372

+1cc to Mr.S.Arunkumar, Advocate, S.R.No. 11670

C.M.A.No.2797 of 2016

AD(CO)

GN(26/03/2021)