

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2021
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1428 of 2018

R.Govindasamy

... Appellant

Vs.

1.K.Thenmozhi

2.The Oriental Insurance Company Ltd.,
115/116, Prakasam Salai,
Chennai 118.

..Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 30 of the Employees Compensation Act, 1923, against the award dated 24.10.2017 made in W.C.No.111 of 2014 on the file of the Deputy Commissioner of Labour-I, Chennai-6 and the award copy was received on 24.11.2017.

For Appellant : M/s.M.Malar

For Respondents : Ms.E.M.K.S.Sushmitha for R1
Mr.Arunkumar for R2

J U D G M E N T

The award dated 24.10.2017 in W.C.No.111 of 2014 is sought to be set aside in the present civil miscellaneous appeal.

2. The claimant is the appellant and the application was filed under Section 10 of the Workmen Compensation Act on the ground that the appellant was employed with the first respondent as a driver in Ashok Leyland Tanker bearing Registration No.TN-09-B-3137 on a monthly salary of Rs.20,000/-. The appellant was aged about 50 years at the time of accident. On 19.12.2013 at about 2.30 a.m. the appellant was employed as driver and he was driving from Chennai Port Trust to Villupuram. The vehicle met with an accident near Maraimalainagar. He sustained grievous injury. The appellant was admitted in CMC, Chengalpattu and taken treatment as inpatient and thereafter treatment as outpatient. An application was filed seeking compensation. The Deputy Commissioner of Labour adjudicated the issue with reference to the documents and evidence produced by the respective parties.

3. The grievance of the appellant is that the minimum wages fixed by the Central Government in notification dated 31.05.2010 has not been granted by the Deputy Commissioner of Labour. A monthly income of Rs.7699/- was fixed instead of Rs.8000/- which was notified by the Central Government under Section 4(1B) of the Act. Therefore, the monthly income is to be revised and accordingly, the compensation is to be enhanced.

4. This Court is of the considered opinion that the Central Government issued a notification under Section 4(1B) of the Employees Compensation Act, fixing the minimum wages of Rs.8000/- for the purpose of grant of compensation. The Deputy Commissioner of Labour committed an error in fixing a sum of Rs.7699/- which is lesser than that of the minimum ceiling fixed by the Central Government in the notification under the Act.

5. Accordingly, this Court is inclined to enhance the monthly income of the appellant as Rs.8000/- instead of Rs.7699/-. Thus, the appellant is entitled for the modified compensation amount of Rs.76,783/- inclusive of medical expenses. The second respondent Insurance Company is directed to deposit the difference award amount along with accrued interest within a period of 12 weeks from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount by filing appropriate application and payments are to be made through RTGS.

6. Thus, the award dated 24.10.2017 made in W.C.No.111 of 2014 stands modified. C.M.A.No.1428 of 2018 stands allowed in part. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gsk

To
The Deputy Commissioner of Labour-I,
Chennai-6.

+1cc to M/s.M.Malar , Advocate SR.No. 5046

+1cc to Mr.S.Arunkumar , Advocate SR.No. 5113

C.M.A.No.1428 of 2018

A.SK(16.03.2021)