

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2021
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
C.M.A.No.196 of 2018

Govindharasu @ Shankar

..Appellant

Vs

1.M/s.Kalanethi Construction Pvt Ltd.,
Old No.SP-54, New No.25, 1st Sector,
3rd Street, K.K.Nagar,
Chennai - 600 078

2.United India Insurance Company Limited
No.A-5 & 6, 2nd Floor, Appasamy Towers,
New No.27, Sri Thiagaraya Road,
Next to (Old) Theatre Nagesh,
T.Nagar, Chennai - 17.

..Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act against the Award dated 30.08.2017 made in W.C.No.110 of 2014 on the file of the Deputy Commissioner of Labour-I, Chennai.

For Appellant ... Mr.F.Terry Chellaraja
For Respondents ... R1 - Exparte
Mr.C.Paranthaman for R2

JUDGMENT

The substantial questions of law raised in the appeal on hand are that: (i) Whether the Deputy Commissioner of Labour is right in fixing the loss of earning capacity as 14% instead of 100% as loss of earning capacity? (ii) Whether the Deputy Commissioner of Labour is right in not fixing the income of the injured as Rs.8000/- per month even though arrived a sum of Rs.10,372/-?

2. The questions of law raised are relatable to the factual aspects and further the application under Section 10 of the Workmen Compensation Act was filed by the appellant on the ground that he was working as a construction worker in Badmini Garden, Kalanithi Construction Site. On 30.05.2014 at about 4.30 p.m. as per the instruction of the first respondent, the appellant was slicing the wood in the hand cutting machine and his right hand index finger got crushed. He took treatment at St.Thomas Hospital and thereafter at Ramachandra Hospital in

Porur. He also took treatment as inpatient from 30.05.2014 to 06.06.2014 in the Stanley Hospital. Thus, the appellant filed the application seeking compensation.

3. The Deputy Commissioner of Labour, adjudicated the issues with reference to the documents and evidence produced. The factum regarding the accident was established. The accident occurred during the course of employment and further the employer-employee relationship was also established. As far as the quantum of compensation is concerned, the loss of earning capacity was fixed as 14% as per the Schedule to the Act and, therefore, there is no infirmity in respect of the award passed.

4. The Deputy Commissioner of Labour, has followed the statutory provisions for calculation of compensation.

5. This Court, cannot interfere with the Award and, accordingly, the award dated 30.08.2017, passed in W.C.No. 110 of 2014 is confirmed and consequently, C.M.A.No. 196 of 2018 is dismissed. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

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

+1 cc to M/s.M.Malar advocate sr8213

+1 cc to Mr.C.Paranthaman Advocate sr8448

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