

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

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

C.M.A.No.1117 of 2017

1.Tmt.D.Periyakkal

2.Minor D.Arun

3.Minor D.Mohana

4.Tmt.Bakkiyam ..Appellants
(Minors 2&3 rep.by N/F mother Periyakkal)

Vs.

1.A.Rajendran

2.Reliance General Insurance Company Ltd.,
Sri Lakshmi Complex, Bharathi Street,
Omalar Main Road, Swarnapuri,
Salem 636 004. ..Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 30 of the Employees Compensation Act, 1923, against the order dated 25.05.2015 made in W.C.No.169 of 2012, on the file of the Deputy Commissioner of Labour, Salem.

For Appellants : Mr.Ma.P.Thangavel

For Respondents : Mr.S.Arunkumar for R2
R1 - exparte

J U D G M E N T

The award dated 25.05.2015, in W.C.No.169 of 2012 is under challenge in the present civil miscellaneous appeal.

2. The facts as well as the amount of award are not disputed by the respective parties to the present appeal on hand. The learned counsel for the parties made a joint submission that the interest portion alone is to be reconsidered by this Court in the appeal.

3. The learned counsel for the appellants made a submission that the Deputy Commissioner of Labour granted interest at the rate of 12% per annum, if the award amount has not been deposited within 30 days and such condition imposed is in violation of the statutory provisions of the Employees

Compensation Act. As per Section 4(A) (3)(a) of the Employees Compensation Act, the claimants are entitled for interest at the rate of 12% per annum. However, the interest is to be calculated from the date of accident and not from the date of expiry of 30 days from the date of passing of the award.

4. In view of the fact that the interest is to be calculated from the date of accident, the award dated 25.05.2015 passed in W.C.No.169 of 2012 stands modified and accordingly, the appellants are entitled to get interest at the rate of 12% per annum from the date of the accident. The revised interest amount is to be deposited by the second respondent Insurance Company, within a period of twelve weeks from the date of receipt of a copy of this order. On such deposit, the major appellants alone are permitted to withdraw their respective portion of the award by filing an appropriate application and payments are to be made through RTGS. As far as the minor appellants are concerned, the said amount shall be deposited in an interest bearing scheme in any one of the Nationalized Bank till they attain majority.

5. Accordingly, the award dated 25.05.2015 in W.C.No.169 of 2012 stands modified and C.M.A.No.1117 of 2017 stands allowed in part. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

The Deputy Commissioner of Labour, Salem.

+1cc to M/s.S.Arun Kumar, Advocate SR.3360

+1cc to Ma.P.Thangavel, Advocate SR.3620

C.M.A.No.1117 of 2017

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