

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.1938 of 2017

1.Mannankatti

2.Banumathi

3.Suresh

4.Santhi ...Appellants/Applicants

Vs.

1.Suresh

(R1 remained Exparte before the Tribunal)

2.The National Insurance Co.Ltd.,

Third Party Claims HUB,

No.751, Annasalai,

Chennai 600 002.

...Respondents/Opposite Parties

Prayer : Civil Miscellaneous Appeal filed under Section 30 of the Employees Compensation Act, 1923, against the award dated 15.04.2015 made in W.C.No.142/2013 on the file of the Deputy Commissioner of Labour-II, Chennai and the cover in which the award was sent was lost.

For Appellants : Mr.F.Terry Chellaraja

For Respondents : Mr.R.Ravichandran for R2
R1 - exparte

J U D G M E N T

The award dated 15.04.2015 made in W.C.No.142 of 2013, 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 15.04.2015 made in W.C.No.142 of 2013 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 appellants are permitted to withdraw the award amount by filing an appropriate application and payments are to be made through RTGS.

5. Accordingly, the award dated 15.04.2015 made in W.C.No.142 of 2013 stands modified and C.M.A.No.1938 of 2017 stands allowed in part. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

gsk

To

The Deputy Commissioner of Labour-II,
Chennai.

Copy to: The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Mr.Ravichandran, Advocate SR.3318
+1cc to M/s.Malar, Advocate SR.3224

C.M.A.No.1938 of 2017

MG(CO)
CB(04/03/2021)