

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.2673 of 2017

Palanisamy

...Appellant

vs.

Chithandi

.... Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 30 of the Employees Compensation Act, 1923, against the final award dated 10.05.2017 in E.C.No.30 of 2015 on the file of the Deputy Commissioner of Labour Court, Coimbatore.

For Petitioner : M/s.V.Sakkarapani

For Respondent : Mr.Suganathan
for Mr.S.Kumaresan

O R D E R

The Civil Miscellaneous Appeal is filed against the final award dated 10.05.2017 passed in E.C.No.30 of 2015 on the file of the Deputy Commissioner of Labour Court, Coimbatore.

2. The respondent in the claim petition/appellant herein has filed the present appeal. The respondent is a Chithal in the claim petition. The Substantial question of law raised by the appellant is that whether the LDC-II is right in fixing the employer-employee relationship without any evidence ? Whether the LDC-II is right in awarding a sum of Rs.4,02,325/- as against the claim of the claimant?

3. Both questions of law seems to be relateable to the facts of the case and there is no substantial question of law raised in the present appeal.

4. The learned counsel appearing for the appellant solicited the attention of this Court with reference to the

evidence recorded by the Deputy Commissioner of Labour in its award. The learned counsel appearing for the appellant has stated that the claimant had not specifically mentioned about the nature of the job in the building. However, the claimant has stated that he is doing building construction work.

5. It is pertinent to note that the building construction work is a common term and the labourer may work as a Chithal or Mason or related to any other centric work or otherwise. Different kinds of works are available in building construction work. Merely the claimant has stated about the work that he was doing building construction work, the benefit of compensation cannot be denied. This apart, the factum regarding the accident was established. Regarding the employer/employee relationship, the learned counsel appearing for the appellant has stated that one Mr.Ramu is a Building Contractor. Ramu may be a Sub-contractor. However, the appellant is the Principal employer. Therefore, the Principal employer is liable to pay compensation. The finding in this regard is made by the Deputy Commissioner of Labour. When the factum regarding the accident was established and the respondent was working as an employee in the building, in which, the accident occurred, on these grounds, the benefit of compensation cannot be denied to the workman.

6. This being the factum, the appeal is liable to be dismissed on both grounds that no substantial question of law is raised and further, there is no infirmity as such in respect of the findings of the evidence and documents. Accordingly, the award dated 10.05.2017 passed in E.C.No.30 of 2015 stands confirmed and consequently, the Civil Miscellaneous Appeal stands dismissed. The respondent/claimant is permitted to withdraw the entire award amount along with accrued interest by filing an appropriate action and the payments are to be made through RTGS. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssb
To

The Deputy Commissioner of Labour,
Coimbatore.

Copy to

The Section Officer,
VR Section, High Court,
Madras.

+2cc to M/s.V.Sakkarapani, Advocate Sr.6901

+1cc to Mr.S.Kumaresan, Advocate Sr.6473

C.M.A.No.2673 of 2017

mp[co]
srg 26/02/2021



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