

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.2747 of 2017

Mr.Karl Marx

..Appellant

Vs.

1.R.Vijaya

2.Royal Sundaram Alliance Insurance Company Ltd.,
No.2, Subramaniam Building,
Club House Road,
Mount Road,
Chennai - 2.

..Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 30 of the Employees Compensation Act, 1923, against the award dated 19.12.2016 and made in W.C.No.195 of 2014 on the file of the Deputy Commissioner of Labour-II, Chennai and cover in which the award sent was received on 17.07.2017.

For Appellant : Mr.F.Terry Chellaraja
For Respondents : R1-not ready in notice
Mr.G.Vasudevan for R2

J U D G M E N T

This civil miscellaneous appeal has been filed against the award dated 19.12.2016 made in W.C.No.195 of 2014 on the file of the Deputy Commissioner of Labour-II, Chennai.

2. The substantial question of law mainly raised in the appeal on hand is that the minimum wages notified by the Central Government has not been fixed by the Deputy Commissioner of Labour for the purpose of calculation of compensation.

3. The factum regarding the accident was not disputed by the parties. The employee employer relationship was also established during the cross of trial before the Deputy Commissioner of Labour. The award was passed granting compensation of Rs.6,76,480/- along with interest at the rate of 12% per annum.

4. However, the learned counsel for the appellant contended that the Central Government fixed the minimum salary of Rs.8000/- per month with effect from 18.01.2010 and the accident in the present case occurred on 06.09.2013. While so, the Deputy Commissioner of Labour has committed an error in fixing the monthly income of the claimant.

5. In view of the said fact, this Court is of the opinion that the minimum wages fixed by the Central Government under Section 4(A) of the Employees Compensation Act, is to be fixed mandatorily by the Deputy Commissioner of Labour, if the salary of the claimant are less than Rs.8000/-. In the present case, the Deputy Commissioner of Labour has fixed the monthly salary as Rs.7699/-. Thus, this Court is inclined to enhance the monthly salary of the claimant as Rs.8000/- as per the notification issued by the Central Government with effect from 18.01.2010.

6. Accordingly, the appellant is entitled for the modified compensation of Rs.7,00,314/-, inclusive of medical bills, along with interest at the rate of 12% per annum with effect from the date of the accident. The second respondent Insurance Company is directed to deposit the modified award amount 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 amount by filing appropriate application and the payments are to be made through RTGS.

7. Thus, the award dated 19.12.2016 in W.C.No.195 of 2014 stands modified and C.M.A.No.2747 of 2017 stands allowed in part. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gsk

To

The Deputy Commissioner of Labour-II,
Chennai.

Copy to

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

+1cc to M/s.G.Vasudevan, Advocate, S.R.No.3079

+1cc to M/s.M.Malar, Advocate, S.R.No.3221

C.M.A.No.2747 of 2017

KV(CO)

KKV/03/03/2021

<https://hcservices.ecourts.gov.in/hcservices/>