

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.594 of 2017

1.Mrs.R.Bhavani
2.Minor.R.Sharmila
(Minor R2 rep by mother and natural guardian-R1)
3.Mr.Manavalan
4.Mrs.Padmavathy
... Appellants/Applicants

Vs.

1.M/s.The Asia (Chennai) Engineering Company (P) Ltd.,
Golden Perch,
No.2, First Floor, Wheat Craft Road,
Nungambakkam, Chennai - 600 034.
2.M/s.United India Insurance Company Limited,
C/o.Motor Third Party Claims Offices,
Silingi Buildings
No.134, Greams Road,
Chennai - 600 006.
... Respondents/Opposite Parties

PRAYER : Civil Miscellaneous Appeal is filed under Section 30 of the Workmen's Compensation Act, 1923, against the order passed by the Deputy Commissioner for Workmens' Compensation-II, Chennai - 600 006, in W.C.No.83 of 2014, dated 08.10.2016 and received on 12.01.2017. सत्यमेव जयते

For Appellant : M/s.T.G.Balachandran

For Respondents : No Appearance for R1
J.Michael Visuvasam for R2

J U D G M E N T

The appellants herein are the applicant in W.C.No.83 of 2014 filed by them claiming for the death caused to one Raghupathy, while he was doing mason work on the 4th floor of

Part "A", Loope 5, Paranur work site belongs to the first respondent and insured with the second respondent before the Commissioner of Labour. Both the respondents contested the appeal. After full trial, the Commissioner of Labour awarded the compensation.

2. The learned Trial Judge has directed both the respondents to pay the sum of Rs.4,65,938/- and Rs.3,86,222/- respectively towards compensation. Aggrieved by the same, the claimants preferred this appeal.

3. The following point arose for consideration:

Whether the Commissioner of Labour erred in fixing the minimum wages of Rs.8,000/-, though the monthly salary is fixed Rs.8,571/- and erroneously passed the lower award, without considering the facts and circumstances?

4. The facts reveal that the said Raghupathy was employed as a Mason under the first respondent. The deceased Raghupathy, while doing the work on 01.04.2014 at his work site, fell down from the 4th floor and sustained injuries. Therefore, the claimants, who are the legal heirs of the deceased, filed the claim petition against the employer and the Insurance Company before the Commissioner of Labour. After the award passed, the claimants, being not satisfied with the award contending that the Commissioner of Labour ought to have fixed Rs.8,571/- instead of Rs.8,000/- as a monthly income as per the minimum wages, have come to this Court. So, he prayed to enhance the award amount.

5. On perusal of the records, it is seen that the Commissioner of Labour, though arrived at Rs.8,571/- as monthly wages, has reduced to Rs.8,000/-, based upon the premium paid by the Insurance policy rightly directed the Asia (Chennai) Engineering Company (P) Ltd./first respondent to pay the Rs.4,65,938/- and the United India Insurance Company Ltd.,/second respondent to pay the Rs.3,86,222/-. But the interest was not awarded after 30 days from the date of the accident. It is a beneficial legislation. Hence, both the respondents are directed to pay the interest at the rate 12 % after 30 days from the date of the accident till realisation.

6. The reasons stated by the Deputy Commissioner for Workmens' Compensation-II, Chennai - 600 006, does not call for any interference by this Court. Accordingly, the point for consideration is answered.

7. Accordingly, this appeal is partly allowed. With regard to other findings, the order passed by the Deputy Commissioner

for Workmens' Compensation-II, Chennai - 600 006, is confirmed.
No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

The Deputy Commissioner for Workmen's Compensation-II,
Chennai-6.

Copy To

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

+2cc to Mr.T.G.Balachandran, Advocate SR.No.19420

+1cc to Mr.J.Michael Visuvasam, Advocate SR.No.19319

C.M.A.No.594 of 2017

KV (CO)
GMY (04/06/2021)



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