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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 24.03.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.656 of 2022
and
C.M.P.No.4653 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Salem - 7.

... Appellant/Respondent

Vs.

1.Valarmathi
2.Minor Nadhiya
3.Minor Indhira
4.Minor Vaishnavi

...Respondents/Claimants

(Minors 2 to 4 are represented by
next friend and natural guardian
her mother Valarmathi)

Prayer: Civil Miscellaneous Appeal is filed under Section 30-A of the Employees Compensation Act, 1923, against the Order dated 17.03.2020 in W.C.No.73 of 2013 on the file of the learned Commissioner for Workmen's Compensation/Deputy Commissioner of Labour, Salem.

For Appellant : Mr.D. Raghu

JUDGMENT

The Transport Corporation is the appellant before this Court challenging the order passed by the Commissioner for Workmen's Compensation/Deputy Commissioner of Labour, Salem, in W.C.No.73 of 2013.

2.The above claim petition has been filed by the wife and minor children of the deceased Sivan claiming compensation for the death suffered by him in an accident which arose out of and during the course of his employment.



3.The facts in brief are as follows:

The deceased Sivan was working as a Technician in Vazhapadi Branch of the respondent/Corporation. On 27.01.2012 around 19.45 hours, while he and his co-employee were trying to shift the engine with the help of a crane from the lorry to fix it in their vehicle, due to the negligence of the crane operator and co-employees, the engine fell on the deceased and as a result of the same, he has sustained grievous injuries and he had died on the way to the hospital.

4.The respondents had therefore filed the above petition seeking compensation for the death of the said Sivan, husband of the 1st respondent and father of the others. In their counter, the Corporation had taken out a defence denying the very employment of the deceased Sivan with the Corporation and also denying the manner in which the accident had occurred apart from denying the quantum of compensation. The Commissioner for Workmen's Compensation/Deputy Commissioner of Labour, Salem, had by a detailed order dated 17.03.2020 held the respondent Corporation to be liable to pay a sum of Rs.5,56,520/- as compensation. The said order is the subject matter of the challenge before this Court.

5.Today, the above matter was listed under the caption "For admission". Heard the learned counsel for the appellant/Transport Corporation and perused the papers.

6.The learned counsel for the appellant/Transport Corporation would submit that the learned Commissioner has erroneously fixed the age of the deceased as 54, when the deceased was aged about 55 years and months as per the Service Records and also questioned the interest awarded.

7.It is not in dispute that the deceased Sivan was employed under the Transport Corporation and that he had died while on duty. It is also not in dispute that the death was only in the course of employment. The difference in the compensation if the age of the deceased is fixed at 55 years is only a few thousands of rupees, therefore, I do not find any reason to admit the appeal. As regards the rate of interest, the learned counsel fairly conceded that in all the matters, the interest has been awarded as 12%.



In these circumstances, there is no Substantial Question of Law involved in the above appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

mps

To

The Commissioner for Workmen's Compensation
/Deputy Commissioner of Labour,
Salem.

+1cc to Mr.D. Raghu, Advocate, S.R.No.19942

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and
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PL[co]
NSK/14/06/2022