



C.M.A.No.2570 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2570 of 2022

1.Sornam

2.Parvathavarthini

3.Minor. Giridharan

...Appellants

Vs

1.Sundarajan

2.The United India Insurance Company Ltd.,
No.2, Bhuvaneswari Complex,
Dr.Sankaran Road,
Namakkal

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 30 of the WC Act, against the order dated 19.03.2018 made in W.C.No.48 of

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2017 on the file of the Deputy Commissioner of Labour, Coonoor at the Nilgiris.

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For Appellants : Mr.C.Ramaraj

For Respondent 2: Mrs.I.Malar

JUDGEMENT

Contending that the compensation granted by the Deputy Commissioner of Labour, Coonoor in W.C.No.48 of 2017 is on the lower side, the petitioners are before this Court.

2. The appellants would contend that the Deputy Commissioner of Labour, Coonoor has erred in taking only a sum of Rs.8,000/- as minimum wages, ignoring the deletion of explanation II Section 4 of the Act and therefore contended that the minimum wage should be a sum of Rs.11,060/- per month.



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3. The learned counsel for the 2nd respondent would contend that the Deputy Commissioner has rightly taken a sum of Rs.8,000/- as the minimum wage and no exception can be taken to the same. The learned counsel would therefore pray that the award may be confirmed.

4. Heard the learned counsels and perused the records.

5. This Court on an earlier occasion had considered the very same issue in C.M.A.No.3388 of 2017 dated 01.07.2022. Ultimately, taking into account that Explanation II of Section 4 (1) of the Act, which has been now deleted and substituted by Section 4 (1 – B), this Court has held as follows:

“14. Therefore, the argument of the appellant that the deeming cap has been removed and the actual



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monthly wages had to be considered is not correct. Section 4(1-B) and the notification made in pursuance to the same in very clear and categorical term indicates that the maximum monthly wages that can be taken into consideration is a sum of Rs.8,000/-. The provisions of Section 4(1-B) stipulates that it is the Central Government which can fix the monthly wages and notify it in the official gazette, the monthly wages so fixed is now Rs.8,000/-. Therefore, I see no reason to interfere with the Judgment of the Tribunal and consequently, the Civil Miscellaneous Appeal is dismissed. There shall be no order as to cost.”

This Court had held that it is only the Central Government that can fix the monthly wages in so far as it relates to Section 4 of the Act.

6. In the light of the above, the argument advanced by the appellants has to be rejected and the award passed by the Deputy Commissioner of Labour, Coonoor has to be confirmed and accordingly the Civil Miscellaneous Appeal is dismissed. No costs.



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Index : Yes/No
Speaking order/non-speaking order

To,

The Deputy Commissioner of Labour,
Coonoor at the Nilgiris.



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P.T.ASHA, J.,

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