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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.651 of 2023

A.Selastin Arokiyaraj
S/o.E.Amuldas ... Appellant

Vs.

1.M/s.Caparo Engineering India Ltd.,
T1, T1 Sipcot Industrial Estate,
Sunguvachatiram, Sriperumbudur,
Kancheepuram District.

2.The Executive Director,
T1, T1 Sipcot Industrial Estate,
Sunguvachatiram, Sriperumbudur,
Kancheepuram District. ... Respondents

Civil Miscellaneous Appeal filed under Section 30(1) of the Workmen Compensation Act against the order passed in E.C.No.103 of 2019, dated 16.11.2021 passed by the Joint Commissioner of Labour - II, DMS, Chennai - 6.

For Appellant : Mr.T.N.Murali Moghan

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JUDGMENT

The present appeal has been filed against the order passed by the Joint Commissioner of Labour - II, Chennai, in E.C.No.103 of 2019,

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dated 16.11.2021, rejecting the application filed by the appellant seeking compensation under the Workmen Compensation Act.

2. Heard learned counsel for appellant and carefully perused the materials available on record. The respondents have been served with notice and their names have also been printed in the cause list. However, there is no appearance for respondents either in person or through counsel.

3. On carefully reading the order passed by the Joint Commissioner of Labour, it is seen that the appellant was working in the first respondent company and the accident had taken place wherein he lost four fingers in his right hand. It was found that the first respondent company is covered under the Employees' State Insurance Act, 1948. Therefore, the appellant will be entitled for compensation under the Employees' State Insurance Act, 1948. In view of the same, the Joint Commissioner for Labour found that the appellant cannot maintain a petition under the Workmen Compensation Act. The finding of the Joint Commissioner of Labour is correct since Section 61 of the Employees'

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State Insurance Act, 1948, makes it clear that when a person is entitled to any of the benefits provided under the Employees' State Insurance Act, 1948, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment. In view of the specific bar, the Joint Commissioner was right in rejecting the petition. Hence, the order passed by the Joint Commissioner of Labour is hereby sustained.

4. There shall be a direction to the first respondent to immediately take steps and to pay the compensation to the appellant under the Employees' State Insurance cover. This process shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

This Civil Miscellaneous Appeal is disposed of with the above direction. No costs.

29.07.2024

Speaking Judgment/Non-speaking Judgment
Index :Yes/No
Neutral citation: Yes/No
gm

To

The Joint Commissioner of Labour - II,

DMS, Chennai - 6.

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N.ANAND VENKATESH, J.

gm

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