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C.M.A.No.118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.118 of 2024

T.Rajan

...Appellant

Vs

1.Karthikeyan

2.Future General India Insurance Company Limited,
No.192, Anna Salai,
Chennai 600 002.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Workmen's Compensation Act, to set aside the award dated 11.11.2013 and made in WC.No.P.No.438 of 2011 on the file of the Deputy Commissioner of Labour II, Chennai.

For Appellant : Mr.F.Terry Chella Raja,
for Mr.V.Velu

For Respondents : Mr.E.Rajadurai,
for M/s.M.B.Gopalan Associates for R2



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JUDGMENT

This civil miscellaneous appeal has been filed challenging the judgement dated 11.11.2013 in WC NOP.No.438 of 2011.

2. The learned counsel for the appellants would submit that on 20.08.2011, when the appellant was driving his TATA Indica car bearing Registration No.TN-03-F-4936, another bus bearing Registration No.TN-32-B-2851 came in a rash and negligent manner, due to which, the appellant had sustained grievous injuries. Considering all the aspects the Tribunal had awarded the compensation of a sum of Rs.4,10,118/-

3. Further, he would submit that as per the terms of Central Government Minimum Wages Notification No.S01258E dated 31.05.2010, the minimum wages for the workers will be a sum of Rs.8,000/-. However, as pr the Tamil Nadu Minimum Wages Act, the minimum wages will be a sum of Rs.6,401/-. In the present case, while determining the compensation, the Deputy Commissioner, Labour II, has taken the minimum wages in terms of Tamil



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Nadu Minimum Wages Act i.e., as a sum of Rs.6,401/- without considering the aforesaid provisions of Central Government Notification dated 31.05.2010.

Further, he would contend that the appellant is entitled for interest from the date of accident till the date of deposit of the award amount. However, the interest was awarded by the Tribunal only from the date of receipt of award. Hence, he requests this Court to re-determine the compensation fixed by the Tribunal.

4. In reply, the learned counsel for the respondent would fairly submit that he has no objection with regard to the fixation of minimum wages as a sum of Rs.8,000/- as per the Central Government Notification. Further, he would also submit that the interest shall be awarded at the rate of 12% from the date of accident till the date of deposit as claimed by the appellant.

5. Heard the learned counsel for the appellant and the respondent and also perused the materials available on record.

6. It appears that as per the Central Government Notification dated 31.05.2010, the minimum wages for workers was fixed as a sum of Rs.8,000/-



However, in the present case, the Tribunal has taken the minimum wages of the appellant as a sum of Rs.6,401/- instead of Rs.8,000/-. Further, as contended by the appellant, the Tribunal should have calculated the interest from the date of accident till the date of deposit.

7. In view of the above, this Court is inclined to fix the minimum wages of the appellant as a sum of Rs.8,000/- and re-determine the compensation in the following manner:

$$\text{Rs.8,000 (notional income)} * 60/100 * 213.57 * 50/100 = \text{Rs.5,12,568/-}$$

10. Therefore, the amount awarded by the Tribunal is modified as a sum of Rs.5,12,568/-. Accordingly, the award amount stands enhanced from a sum of Rs.4,10,180/- to Rs.5,12,568/-.

11. In the result, this Civil Miscellaneous Appeal is allowed. The respondent/insurance company is directed to deposit a sum of Rs.5,12,568/- along with interest and costs, less the amount already deposited, if any, within a period of 6 weeks from the date of receipt of a copy of this judgment, to the



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credit of WC.No.P.No.438 of 2011 on the file of the Deputy Commissioner of Labour II, Chennai. Further, the Tribunal is directed to transfer the award amount to the bank accounts of the claimant, by way of RTGS, within a period of three weeks from the deposit or from the date of receipt of the Bank details obtained for the claimant or application for withdrawal from the claimant, whichever is earlier. No costs.

23.01.2024

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
nsa

To:

The Deputy Commissioner of Labour II, Chennai.



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KRISHNAN RAMASAMY,J.

nsa

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