



C.M.A.(MD).No.1215 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.1215 of 2017

T.Veerassamy

... Appellant/Claimant

-VS-

1. S.Murugesan

2. The Branch Manager,
Royal Sundaram Alliance Insurance Company Limited,
No. 37, Krishna Rao Tank Street,
T.V.S. Co-operative Building,
Madurai.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 30 (1) of Workmen Compensation Act, against the order passed in W.C.No.81 of 2012 on the file of the Deputy Commissioner of Labour, Workmen Compensation Tribunal, Dindigul, dated 20.10.2015

For Appellant : Mr.C.K.M.Appaji

For Respondents : Mr.M.Jerin Mathew – for R2
: No appearance – for R1



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J U D G M E N T

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The claimant in W.C.No.81 of 2012 on the file of the Deputy Commissioner of Labour, Workmen Compensation Tribunal, Dindigul, dated 20.10.2015 is the appellant herein.

2. The claimant had met with an accident while working as a driver on 10.08.2011. He sustained grievous injuries as per Ex.P.12 – Disability Certificate. He had sustained 60% disability. However, the Deputy Commissioner of Labour has taken into consideration only 55% of disability and proceeded to pass an award for a sum of Rs.3,64,419/- (Rupees Three Lakhs Sixty Four Thousand Four Hundred and Nineteen only). Challenging the portion of the award, wherein the disability was reduced from 60% to 55%, the present appeal has been filed by the appellant/claimant.

3. According to the learned counsel appearing for the appellant/claimant, the claimant is a professional driver and he has filed Ex.P.8 – driving license to show that he is having driving license to drive transport vehicle. A perusal of Ex.P.12 – Disability Certificate reveals that the disability incurred would result in losing of driver job by the claimant. That apart, no



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reasons have been assigned by the Deputy Commissioner of Labour, to reduce the disability mentioned in the Certificate from 60% to 55%.

4. Therefore, this Court is of the considered opinion that the Deputy Commissioner of Labour, ought not to have reduced the disability from 60% to 55 %. Considering the fact that the claimant is a professional driver and he has sustained grievous injuries, it could be considered that he suffered 100% functional disability.

5. In view of the above said facts, the award of the Tribunal is modified enhancing disability as follows :

Loss of income = $60/100 \times 6401 \times 172.52 \times 60/100 = \text{Rs.}3,97,542/-$.

The award of the Deputy Commissioner of Labour, Workmen Compensation Tribunal, Dindigul, is modified and the award amount is enhanced from Rs.3,64,419/- (Rupees Three Lakhs Sixty Four Thousand Four Hundred and Nineteen only to Rs.3,97,542/- (Rupees Three Lakhs Ninety Seven Thousand Five Hundred and Forty Two only).



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6. With the above said observations, this Civil Miscellaneous Appeal is allowed to the extent as stated above. No costs.

15.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Deputy Commissioner of Labour,
Workmen Compensation Tribunal, Dindigul,
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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