



C.M.A(MD)No.627 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.627 of 2017

and

C.M.P(MD)No.6532 of 2017

1.The Assistant Engineer,
TANGEDCO,
Pannaipatti Branch Office,
Reddiyarchatram,
Dindigul-624 622.

2.The Executive Engineer,
TANGEDCO,
Meenakshinaickayanpatti Post,
Dindigul-624 002.

... Appellants/Respondents

Vs.

1.Ravichandran

2.Megala

... Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, to set aside the order, dated 21.12.2016 passed in E.C.No.08 of 2013 on the file of the Commissioner for Workmen's Compensation and the Deputy Commissioner of Labour, Dindigul.

For Appellants : Mr.B.Ramanathan

For Respondents : Mr.S.Sarrangan Prabhu



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JUDGMENT

The present Civil Miscellaneous Appeal has been filed by TANGEDCO challenging the award of the Deputy Commissioner of Labour, Dindigul in E.C.No.8 of 2013.

2. As per the claim petition, one Natchimuthu, who was working as an Assistant on contractual basis in TANGEDCO Corporation, he had died due to electrocution, while he was in the course of his employment on 16.04.2012. The parents have claimed compensation. The TANGEDCO had filed a counter contending that the deceased was only a contractual employee and he had climbed the transformer, despite the warning issued by the Assistant Engineer. They have further contended that there is no employer-employee relationship and they have also disputed the quantum of compensation as claimed by the claimants.

3. The Deputy Commissioner of Labour after considering the submissions made either side, has arrived at a finding that when it is an admitted fact that, the said Natchimuthu was working on contractual basis for TANGEDCO, the TANGEDCO is the principle employer. He



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had further arrived at a finding that the age of the deceased is 20 years.

Since both the parties have not placed any document with regard to the salary of the deceased person, the Deputy Commissioner of Labour has taken into consideration, the minimum wages fixed by the Government of Tamil Nadu for the post of helper at Rs.3,700/-. Based upon the said observations, a compensation amount of Rs.4,19,400/- was awarded. Challenging the said award, the present Civil Miscellaneous Appeal has been filed by TANGEDCO.

4. The learned Counsel appearing for the TANGEDCO had contended that the claimants have not established that the deceased was a workmen under the Workmen's Compensation Act. He had further contended that the compensation is contrary to Section 4 of the Workmen's Compensation Act. He had further pointed out that the accident has not happened during the course of employment. When the claimants have not placed on record any document with regard to the salary of the deceased petitioner, the Deputy Commissioner was not right in calculating the wages on the basis of Minimum Wages Act. Hence, he prayed for allowing the appeal.



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5. Per contra, the learned Counsel appearing for the respondent / claimant had contended that the Deputy Commissioner of Labour has arrived at a finding that there is employer-employee relationship and he had followed the minimum wages fixed by the State Government. There cannot be any dispute that the accident has taken place during the course of employment. Hence, he prayed for dismissal of the appeal.

6. I have carefully considered the submissions made on either side and perused the materials available on record.

7. The deceased namely, Natchimuthu was working as a contractual employee under the TANGEDCO. He got electrocuted on 16.04.2012 while he was attending to a repair in the transformer. Later he passed away on 20.04.2012. These facts are not in dispute.

8. The primary contention of the learned Counsel appearing for the appellant is that the employer-employee relationship has not established but I find that when the TANGEDCO admits that the deceased person is a contractual employee, as a principal employer they are liable to pay compensation. The age of the deceased is not seriously disputed. As far



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as the quantum of compensation is concerned, since no documents have been filed on either side, the Deputy Commissioner of Labour has taken the minimum wages fixed by the Government of Tamil Nadu. Considering the fact that the claim has been filed under the Workmen's Compensation Act, the question of raising the negligence on the part of the deceased person as a defence does not arise.

9. In view of the above said facts, all the substantial questions of law are answered against the appellant. There are no merits in this Civil Miscellaneous Appeal.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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To

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- 1.The Commissioner for Workmen's Compensation
and the Deputy Commissioner of Labour,
Dindigul.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Judgment made in
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