



CMA No. 576 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 576 of 2024

1. J.Vadivel

S/o.Jegannathan, No.3/218,
M.G.R.Nagar, 1st Cross Street, New
Colony, Radhapuram, Vikravandi
Taluk, Villupuram District.

Appellant(s)

Vs

1. Hari and Co.,
Rep. by its Proprietor, Mr.Hari, Office
at No.48, 3rd Floor, Wavoo Mansion,
Rajali Salai, Opposite to Harbor Police
Station, Chennai 600 001.

2.Mr.Chitrarasu
Supervisor, No.48, 3rd Floor, Wavoo
Mansion, Rajali Salai, Opposite to
Harbor Police Station, Chennai 600
001.

Respondent(s)

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PRAYER

To enhance the compensation of Rs.73,455/- awarded in E.C.No.9/2022 dated 05.10.2023 passed by the learned Joint Commissioner of Labour 1, Chennai.

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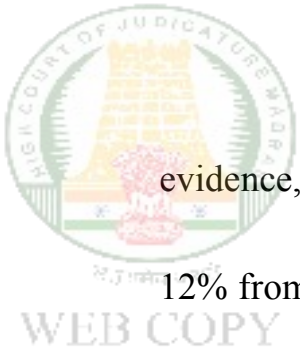
For Appellant(s): Mr. C. Samivel

For Respondent(s): Mr. Vijayan Subramanian For R1
R-2 - No Appearance

JUDGEMENT

This civil Miscellaneous Appeal has been filed to enhance the compensation of Rs.73,455/- awarded in E.C.No.9/2022 dated 05.10.2023 passed by the learned Joint Commissioner of Labour 1, Chennai.

2. On 04.11.2021, when the appellant was loading goods the second respondent instructed the appellant to apply grease to the crane in the ship. While applying the grease due to the negligence of the crane operator, the crane hook slipped and fell down on the appellant's left foot due to which the appellant has sustained crush injury. Thereafter, the appellant filed a claim petition in E.C No. 9 of 2022 before the joint commissioner of Labour-I, Chennai seeking compensation of Rs.20,00,000/- for the accident and respondents contested the case. After considering the oral and documentary



evidence, the joint commissioner awarded compensation of Rs.73,455/- with 12% from the date of accident till the date of realisation. Challenging the award passed by the commissioner the appellant filed this appeal.

3. The learned counsel for the appellant submits that as per notification dated 03.01.2020, monthly wages has been increased from Rs.8,000/- to Rs.15,000/- under Section 4(1B) of Employee's Compensation Act, to that effect he relied the notification dated 03.01.2020 and the judgement of this Court in CMA No. 1727 of 2017. Therefore, the learned counsel seeks to enhance the compensation.

4. he learned counsel for the respondent submits that State Government has not enhanced the monthly wages. Hence, he prays to dismiss this petition.

5. Heard both sides.

6. The fact reveals that notification dated 03.01.2020, the Ministry of Labour and Employment has enhanced the monthly wages to Rs.15000/- under Section 4(1B) of the Employee's compensation Act 1923, to that effect notification also published in Gazette of India. As per said notification, this Court is inclined to enhance the monthly wages of the appellant from Rs.



13,500/- to Rs.15,000/-. Accordingly, the claimant is entitled to Rs. 81,616/-

(15000x60/100x5/100x181.37/-). The respondent has already deposited a sum

of Rs. 73,455/- by way of demand draft before the Joint Commissioner,

Chennai. Hence, the first respondent is directed to deposit balance amount with

interest ordered by the joint commissioner within a period of 8 weeks from the

date of receipt of a copy of judgement and appellant is permitted to withdraw

the deposited amount. Accordingly, this appeal is partly allowed. No Costs.

12-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Joint Commissioner of Labour 1, Chennai.
2. The Section Officer, V. R Section, High court, Madras.



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T.V.THAMILSELVI J.
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