



C.M.A.No.1862 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.1862 of 2021

M.Lakshmanan

... Appellant

Vs.

1.R.Paranthaman

2.Reliance General Insurance Company Limited,
Legal Department,
Reliance House, 6th Floor,
No.6, Haddows Road, Nungambakkam,
Chennai – 600 006.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 30 of the Employee's Compensation Act, against the Award dated 23.12.2019 and made in W.C.No.251 of 2015 on the file of the Joint Commissioner of Labour-II, Chennai and the award was received the same on 11.02.2020.

For Appellant : Mr.F.Terry Chella Raja

For Respondents : Exparte [R1]
Mr.P.Suresh Srinivasan [R2]



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JUDGMENT

Challenging the Award passed by the Joint Commissioner of Labour II, Chennai in W.C.No.251 of 2015, dated 23.12.2019, the applicant has filed the present appeal before this Court.

2. The applicant was employed by the 1st respondent as a driver of the load van bearing Regn.No.TN-04-AA-1325, owned by the 1st respondent and insured with the 2nd respondent and received a sum of Rs.15,000/- per month as salary. Whiles, on 04.05.2015, at about 0.45 hours, while he was driving the said load van proceeding at Padappai – Walajabad Road, near Johnson Lift Company, Oragadam, Kanchipuram District, an unknown container lorry which was standing on the road without any signal, indicator and parking light. Unfortunately, the applicant's vehicle hit the back side of the stationary container lorry. Due to which, the applicant sustained grievous injuries. Therefore, he filed a claim petition claiming a sum of Rs.20,00,000/- before the Joint Commissioner of Labour – II, Chennai under the Employee's Compensation Act. After adjudication, the Court below passed an award awarding a sum of Rs.5,31,288/- as compensation. Challenging the same,



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the appellant has filed the present appeal before this Court.

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3. Learned counsel appearing for the appellant submitted that, though the appellant had earned a sum of Rs.15,000/- per month, however, the Employee's Compensation Court had fixed the monthly income of the appellant at Rs.8,000/-, which is wholly unsustainable. Accordingly, he prays for allowing the appeal.

4. Per contra, learned counsel appearing on behalf of the second respondent/Insurance Company submitted that, no document has been filed before the Employee's Compensation Court in order to prove the income of the appellant and in the government order issued by the Central Government, the minimum wages was fixed at Rs.8,000/-, based on which, the Employee's Compensation Court fixed the monthly income as Rs.8,000/- and awarded compensation, which is wholly sustainable and the same does not require any enhancement. Accordingly, he prays for dismissal of the appeal.

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



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6. The facts in the present case are not disputed with regard to the employment of the appellant under the 1st respondent and it is also not in dispute that the appellant had sustained injuries during the course of his employment with the 1st respondent. The issue arises for consideration in this appeal is with regard to fixation of monthly income of the appellant.

7. Though the appellant claims that he earned a sum of Rs.15,000/- per month and received salary from the first respondent/employer, however, the employer was set *ex-parte* and no document has been filed before the Employee's Compensation Court to prove the income of the appellant. In such circumstances, by following the government order issued by the Central Government, the Workmen Compensation Court has fixed the monthly income of the appellant at Rs.8,000/- as per Workmen Compensation Act, 4(1) Explanation (II) and awarded compensation in favour of the appellant, which in no way is perverse, arbitrary or unreasonable and the same cannot be interfered with. Hence, the award passed by the Employee's Compensation Court deserves to be sustained.



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8. Accordingly, the Civil Miscellaneous Appeal is dismissed and the award passed by the Joint Commissioner of Labour-II, Chennai in W.C.No.251 of 2015, dated 23.12.2019 is confirmed. The 2nd respondent/insurance company is directed to deposit the amount of compensation quantified by the authority to the credit of W.C.No.251 of 2015 within a period of four (4) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the authority is directed to disburse the amount directly to the bank account of the appellant/applicant through RTGS within a period of two (2) weeks thereafter. No costs.

06.01.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To
The Joint Commissioner of Labour-II, Chennai.



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M.DHANDAPANI, J.,

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