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C.M.A.No.2888 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.2888 of 2021

Rajkumar

... Appellant

Vs.

1.Rajendran

2.Divisional Manager,
United India Insurance
Company Limited,
Bhuvaneswari Complex,
No.2, Dr.Sankaran Road,
Namakkal Town 637 001.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 30 of the Workmen Compensation Act, 1923, to enhance the award amount passed in E.C.No.257 of 2018 on the file of Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor dated 26.05.2020.

For Appellants : Mr.C.Thangaraju

For Respondents : Mr.S.Arunkumar for R2

J U D G M E N T

This appeal has been filed by the appellant/ claimant to enhance



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the award amount passed in E.C.No.257 of 2018 on the file of Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor dated 26.05.2020.

2.The learned counsel appearing for the appellant submitted that on 07.06.2018 at about 01.30 p.m., when the appellant was working as driver in the Mahindra Jeeto bearing Registration No.TN 28 BC 4304 belonging to the first respondent in Mavureddipatti to Ilanagar Road near Ilanagar Mariamman Temple, in order to avoid collision with the two wheeler which came all of a sudden, turned the vehicle left side, due to which the vehicle capsized and the appellant sustained injuries. Thereafter, the injured filed claim petition before the Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor, claiming compensation of Rs.10 Lakhs.

3.The learned counsel appearing for the appellants further submitted that after adjudication, the Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor, fixed a sum of Rs.2,10,566/- + Rs.24,988/- for medical expenses as compensation and directed the second respondent to deposit the amount along with



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interest at the rate of 12% from the date of accident till the date of deposit for the compensation amount of Rs.2,10,566/-, by way of demand draft drawn in favour of the Deputy Commissioner of Labour, Coonoor, before the Court of Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor, within a period of 30 days from the date of receipt of a copy of the order. Aggrieved by the same, the appellant claimant has filed this appeal.

4.The learned counsel appearing for the appellant further submitted that the appellant was employed as driver under the first respondent and was drawing a sum of Rs.15,000/- per month as salary, however, the Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor, awarded compensation by fixing the monthly income of the appellant as Rs.8,000/-, which is very meagre and hence, the appellant is entitled for enhancement in compensation.

5.Per contra, the learned counsel appearing for the second respondent submitted that as per the Notification issued by the Central Government dated 31.05.2010 issued under Section 4(1-B) of the Employees Compensation Act, in the absence of any income proof,



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a sum of Rs.8,000/- has to be considered as the monthly income for awarding compensation. In the present case, there is no income proof for the income of the appellant and the Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor, has awarded compensation by fixing the monthly income of the appellant as Rs.8,000/-, which warrants no interference.

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

7.The accident and the manner in which the accident happened are not disputed. Section 4(1-B) of the Employees Compensation Act was introduced by amending Act 45 of 2009 which came into effect on 18.01.2010, pursuant to which, the Central Government issued Notification dated 31.05.2010, wherein, the maximum wage to be fixed in the absence of any income proof is Rs.8,000/- per month and the Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor, has rightly awarded compensation by fixing the monthly income of the appellant as Rs.8,000/-, which warrants no interference.



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8.The civil miscellaneous appeal is dismissed. The award dated 26.05.2020 made in E.C.No.257 of 2018 on the file of the Commissioner for Workmen's Compensation, Commissioner of Labour, Coonoor, is confirmed. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Commissioner for Workmen's Compensation,
Commissioner of Labour, Coonoor.



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M.DHANDAPANI,J.
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