



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

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CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2885 of 2023 and CMP No. 27081 of 2023

1. Mani @ Ramkumar

S/o. Chinnasamy, Kongu Nadu Bricks
and Fly Ash Company, Sevikadu,
Vellapatti Villag and Post, Omalur Tk,
Salem Dt.

2. Vijayalakshmi

W/o. Mani @ Ramkumar, Kongu Nadu
Bricks and Fly Ash Company,
Sevikadu, Vellapatti Villag and Post,
Omalur Tk, Salem Dt.

Appellant(s)

Vs

1. M. Duraisamy

S/o. Mallaiyan, 11/160, Mariamman
Kovil St, D. Kollapatti, Tekkampatti,
Moongilpadi Post, Omalur Tk, Salem
Dt.

2.D. Divya

W/o. Duraisamy, 11/160, Mariamman
Koil St, D. Kollapatti, Tekkampatti,



Moongilpadi Post, Omalur Tk, Salem
Dt.

WEB 3.D.Perumal

S/o. Duraisamy, 11/160, Mariamman
Koil St, D. Kollapatti, Tekkampatti,
Moongilpadi Post, Omalur Tk, Salem
Dt.

Respondent(s)

For Appellant(s): Mr.L.P.Balajiram

For Respondent(s): Mr.S.Ramprabu For
Mr.Sp.Yuvaraj For R1 To R3

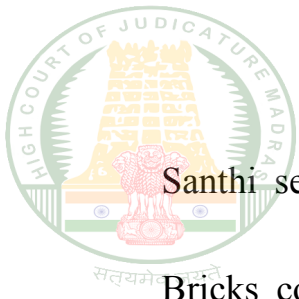
PRAYER:

To set aside the award dated 10.03.2023 passed by the Joint Commissioner of Labour/Commissioner for Employees Compensation, Salem in EC No. 158 of 2020.

ORDER

This Civil Miscellaneous Appeal has been filed against the award dated 10.03.2023 passed by the Joint Commissioner of Labour/Commissioner for Employees Compensation, Salem (in short "labour commissioner") in EC No. 158 of 2020.

2. The respondents herein filed the petition before the Joint Commissioner of Labour, Salem, stating that first respondent is the husband, second and third respondent are the daughter and son of late. Santhi. The said



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Santhi served as labour under the appellants company namely Kongu Nadu Bricks company situated at Sevikadu, Vellalapatty Village and post, Omalur Taluk, Salem District for about one year. On 12.03.2020 at about 06.00 p.m., the said Santhi while on duty at Kongu Nadu Bricks belonging to the respondent and while cleaning the grinder machine unfortunately the said Santhi caught hold on grinder machine and sustained major head injuries and multiple injuries all over the body. Immediately after the accident the said Santhi was taken to hospital where she declared died. Thereafter as a legal heir of the said Santhi, the respondents herein filed the petition before the labour Commissioner claiming compensation. After considering the oral and documentary evidence the joint commissioner of labour, Salem, awarded a compensation of Rs.8,25,771/-. Challenging the award passed by the labour commissioner the appellants preferred this appeal.

3. The learned counsel for the appellants submit that immediately after the said incident the appellants have paid a sum of Rs.2,00,000/- to the respondents but while passing the award the commissioner has not considered the same as such is liable to be set aside. Furthermore, labour commissioner has

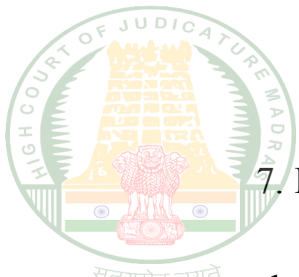


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failed to appreciate the fact that appellants were forced to sign in the settlement agreement in the alleged Katta panchayat it was not their voluntary settlement and the P.W.1 also admitted that alleged katta panchayat took place on 14.03.2020 but without appreciating the same the labour commissioner has fixed entire liability upon the appellants as such is illegal and liable to be set aside. Hence, he prays to allow this appeal.

4. The learned counsel for the respondent submits that immediately after the said incident the appellants herein owner of the said brick company has agreed to pay a sum of Rs.15,00,000/- as compensation to that effect they voluntarily signed in the agreement but paid only Rs.2 lakhs and failed to comply with the terms of the agreement. Thereafter, the respondents legal heirs of Santhi filed the petition before labour commissioner, who rightly passed the award after considering oral and documentary evidence which needs no interference.

6. The learned counsel for the appellants submits that as per the agreement they have paid a sum of Rs.2 lakhs same should have been deducted from the award passed by the commissioner.



7. Heard, the submission of the learned counsel for the appellants and the respondents and perused the materials available on records.

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8. Even assuming that the respondents were signed in the agreement outside the Court, wherein they have agreed to pay a sum of Rs.15 lakhs but they have paid only Rs.2 lakhs. Thereafter, they failed to comply with the terms of the agreement hence the respondents approached the labour commissioner. Further, they claimed that the agreement was obtained under coercion but there is no evidence produced on their side to prove the same. Further, the Judgement relied by the respondents in the case reported in 2020(1)TNMAC504, is squarely applicable to the facts of the case. It is proved that the deceased Santhi was died while performing duties under the employment of the appellants, hence hyper technical grounds raised by the appellants cannot be taken into consideration. Even assuming that there was a agreement between the claimants and appellants, as per the agreement they agreed to settle the issue for Rs.16 lakhs but the tribunal awarded only Rs.8,15,771/- based on the prescribed rules. Therefore, the alleged payment of Rs.2 lakhs claimed by the appellants, was the outside the court settlement which need not be considered while passing award



in the Workmen Compensation Act to that effect the observation made by the labour commissioner is true and valid which needs no interference. Accordingly,

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this Civil Miscellaneous Appeal is dismissed. No Costs. Pending petition(s), if any, is/are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

1. The Joint Commissioner of Labour/Commissioner for Employees Compensation, Salem

2. The Section Officer, V.R section, High Court, Madras.



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CMA No. 2885 of 2023



T.V.THAMILSELVI J.
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