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C.M.A.No.807 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 07.01.2026

Pronounced on: 06.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 807 of 2025 and

C.M.P. No.6363 of 2025

1. Indian Trading Corporation

Represented by Tmt. Vasuki

Old Door No.28, New Door No.2,

Appaswamy Garden,

4th Street, Old Washermanpet,

Chennai 21

2. V. Elangovan

...Appellants

Vs.

S. Sathya

...Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 31(1) Workmen Compensation Act, 1923 47A(10) of the Indian Stamp Act, to set aside the order dated 23.07.2024 of Commissioner Workmen Compensation cum Joint Commissioner of Labour-I, Chennai 6, made in W.C. No.96 of 2014.

For Appellants

: Mr.R.Chandra Sudan



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For Respondent : Mr.D. Panneer Selvam

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JUDGMENT

This appeal is preferred against the order dated 23.07.2024 passed by the Commissioner Workmen Compensation cum Joint Commissioner of Labour I, Chennai 6, in W.C. No.96 of 2014.

2. The respondents in W.C. No.96/2014 are the appellants, challenging the order of the Commissioner for Workmen Compensation cum Joint Commissioner of Labour I, Chennai. The petitioner in W.C. No.96/2014 has claimed compensation in a sum of Rs.3,00,000/- for the injuries sustained by her in the course of her employment.

3. For the sake of convenience, the parties are referred to as per their ranking in W.C. case.

4. In support of her claim, the petitioner examined herself as P.W.1 and marked 8 documents (Ex.P1 to Ex.P8). On the side of the respondents, one witness was examined as R.W.1 and 6 documents were marked.



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5. After appreciating the materials on record, the learned Commissioner directed the 2nd respondent to pay a sum of Rs.2,91,726/- as compensation to the petitioner with interest. Assailing the said order, the present appeal is preferred by the respondents under Section 31(1) of the Workmen Compensation Act, 1923.

6. The sum and substance of the case is that, the appellant establishment is in the business of manufacturing waste cloth materials. The respondent / claimant was working in the appellant establishment since 1990 and at the time of the accident, she was working as a machine operator. According to the claimant, on 21.01.2014, during the course of employment, while cleaning the machinery, the machine was suddenly switched on and her right hand got stuck into the machine and got injured. Thereafter, she was admitted in Stanley Hospital and undergone treatment. Due to the said injury, she could not perform her regular avocation. The disablement was assessed as 33%. Based on the complaint lodged by the claimant, FIR was registered and thereafter, she preferred a petition before the Commissioner of Workmen Compensation seeking compensation for a sum of Rs.3,00,000/-.



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7. Refuting the allegations in the complaint, the 1st appellant herein filed a detailed counter questioning the maintainability of the complaint on the ground that the 1st appellant establishment was rented to the 2nd appellant, who was in total control and management of the affairs of the establishment.

8. The learned counsel for the appellants would submit that, without appreciating the materials on record in a proper perspective manner, the Commissioner of Workmen Compensation fixed the responsibility on the appellants and directed the 2nd appellant to pay compensation for a sum of Rs.2,91,726/- by order dated 23.07.2024, against which the appellants preferred the present appeal. It is submitted that, there was a deliberate act of removal of safety grill and shield around the machine. Further, the claimant was cleaning the machine and removing the waste cloth while the machine was in motion, which constitutes a blatant violation of the safety guidelines and operating procedures established for employees. It is further contended that there was a concealment of facts regarding payment of Rs.1,50,000/- as compensation by the establishment and therefore, prayed for setting aside the order passed by the Commissioner, Workmen Compensation.



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9. Per contra, the learned counsel for the respondent / claimant submits that, the learned Commissioner has awarded just compensation after appreciating the material on record, warrants any interference by this Court.

10. Heard on both sides. Records perused.

11. Based on Ex.P1 FIR and the counter affidavit filed by the 2nd appellant, the learned Commissioner has rightly held that the alleged accident took place during the course of employment and that there is employer – employee relationship between the 2nd appellant and the respondent / claimant. The appellants failed to establish that the alleged accident took place due to the negligent act of the claimant and that the removal of safety grill and the shield around the machine was deliberately done and that the claimant engaged in the operation of the machine while it was in motion and that there was breach of safety protocol and operational procedures as mandated for employees. Moreover, when an employer challenges an order of the Commissioner for Workmen Compensation on the ground that the claimant was at fault, the Employees Compensation Act, 1923, operates largely on a 'no fault' basis. The employer is liable to pay compensation if an injury is caused



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by an accident arising out of and in the course of employment, regardless of the employees' negligence. Simple negligence, carelessness, or failure to take precautions by the workmen does not absolve the employer from liability. The focus of the Act is on the connection between the employment and the injury, not on who caused the accident. However, an employer can successfully challenge an Award if they prove the injury falls under specific exceptions defined in Section 3(1) of the Act.

- a) If the injury is directly attributable to the workman being under the influence of alcohol or drug.
- b) If the accident resulted from the wilful disobedience of express safety rules or orders.
- c) If the workman wilfully removed or disregarded a safety guard or device provided by the employer.

In the present case, the evidence on record would establish that the accident occurred during the course of employment. There is nothing on record to establish that the accident resulted from the wilful disobedience of express safety rules or order and that the claimant wilfully removed or disregarded a safety guard or device provided by the employer.



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12. Further, the learned Commissioner has fixed the salary of the claimant as per the Minimum Wages Act, which is in accordance with law. As per Section 8(1) of the Act, there shall be no payment of a lumpsum as compensation in respect of women shall be made, and no such payment directly by an employer shall be deemed to be a payment of compensation. No perversity or infirmity is found in the order passed by the Commissioner Workmen Compensation cum Joint Commissioner of Labour-I, Chennai 6.

13. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The order dated 23.07.2024, passed by the Commissioner Workmen Compensation cum Joint Commissioner of Labour I, Chennai 6, in W.C. No.96 of 2014, is upheld.

06.03.2026

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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To

1. The Commissioner Workmen Compensation cum Joint Commissioner of
Labour I, Chennai 6

2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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**Pre-delivery judgment in
C.M.A.No. 807 of 2025 and
C.M.P. No.6363 of 2025**

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