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C.M.A.No.3361 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.3361 of 2025

and

C.M.P.No.27655 of 2025

M.Ramkumar Garg,
Director M/s.Orient Mail Speed Road
Transport Private Ltd.,
Chakara Chetty Street,
Kondithope,
Chennai - 600 079.

...Appellant

vs.

1.S.Murugeswari
2.Suganthi
3.S.Sureshraj
s

...Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 30 of Workmen Compensation Act, 1923, to set aside the Order dated 27.03.2025 made in W.C.No.129 of 2013 passed by the Joint Commissioner of Labour-I, Teynampet, Chennai - 600 006.

For Appellant : Mr.K.Balakrishnan

For Respondents : Mr.S.Ambigapathi



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JUDGMENT

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This Civil Miscellaneous Appeal is filed against the Award dated 27.03.2025 passed by the learned Joint Commissioner of Labour-I, Chennai, in W.C.No.129 of 2013.

2. The parties are indicated herein as per their litigative status and ranking before the concerned Authority.

3. The claim petition was filed by the legal heirs of the deceased Selvaraj, claiming compensation of Rs.10,00,000/- filed under the Employees Compensation Act, 1923 against the employer of the deceased Selvaraj, namely, Director of M/s. Orient Mail Speed Road Transport Private Limited, Kondithope, Chennai.

4. Upon consideration of the oral and documentary evidence and after hearing the arguments of both sides, the learned Joint Commissioner of Labour has passed an Award of Rs.4,80,512/- (including funeral expenses of Rs.5,000/-) at the rate of 12% interest from the date of the claim petition, payable by the respondent/employer.



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5. At enquiry, on the claimants' side, two witnesses have been examined and fourteen documents were marked. The respondent/employer has examined himself as R.W.1 and six documents were marked.

6. The case of the claimants is that the first claimant's husband, Selvaraj, was working as a loadman in the respondent's company for the past 13 years. While so, on 19.12.2012, when the said Selvaraj was attending unloading work, unexpectedly, the loaded goods fell on the said Selvaraj and he sustained serious injuries, especially over his neck and he was admitted at Stanley Medical College Hospital till 19.01.2013. It has been stated that on 24.02.2013, he was admitted at Rasi Hospital, Chennai-21 and on 27.02.2013, he succumbed to the injuries. In relation to his death, on 07.03.2003, a case was registered in Crime No.333/2013 at Thiruvannamiyur Police Station.

7. As the first claimant's husband died during the course of employment and the respondent did not come forward to pay compensation, the claim petition was filed before the Joint Commissioner of Labour-I, claiming compensation of Rs.10,00,000/-. Legal notice was issued to the respondent calling upon them to pay compensation to the



legal heirs of the deceased Selvaraj, which was refused with false contention.

8. On behalf of the sole respondent, it was counteracted by filing counter by stating that the respondent is not doing any loading and unloading work in his company and the deceased was a free-launcher and the Workmen Compensation Act, 1923 will not apply to him. On 19.12.2012, he was only employed for few hours as a load man and injuries sustained by the deceased were not in the course of employment and he would have sustained elsewhere and hence, the respondent sought dismissal of the claim petition.

9. As per the Accident Register/Ex.P1, on 19.12.2012, the deceased was admitted at the hospital at 5.00 p.m and it has been mentioned that at about 2.45 p.m., he sustained injuries on account of the accident. Therefore, it was concluded by the learned Authority that on 19.12.2012, based on the medical records, he sustained the injuries during the course of employment while working under the respondent.

10. On 19.12.2012, as the deceased was employed as a load man in the respondent's company, then it should not lie in the mouth of the respondent that he is not a workman.



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11. The Tribunal has computed compensation at Rs.4,80,512/- and for Rs.4,75,512/-, interest at the rate of 12% p.a. from the date of the claim petition is payable by the sole respondent.

12. Based on the aforesaid observations and discussions, this Court does not find any infirmity or perversity in the findings of the Workmen Compensation Authority. This Court also does not find any good reason to upset the findings of the learned Workmen Compensation Authority. No substantial question of law arises for consideration.

13. Above being the position, this Civil Miscellaneous Appeal stands dismissed. Sequel to this, the Award dated 27.03.2025 passed in W.C.No.129 of 2013 by the learned Joint Commissioner of Labour-I, Chennai-6, stands confirmed. No costs. Consequently, connected miscellaneous petition is closed.

22.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
apd



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R.KALAIMATHI, J.

apd

To

1.The Joint Commissioner of Labour-I,
Teynampet,
Chennai - 600 006.

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

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