THE TAMIL NADU WORKMEN'S COMPENSATION RULES, 1924

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In exercise of the powers conferred on them by section 33 of the Workmen's Compensation Act, 1923 (Act VIII of 1923), the Local Government are pleased to make the following rules under the Act:

COSTS

[1][1. (a) Short title and extent.- These rules may be called the Tamil Nadu Workmen's Compensation Rules, 1924.

(b) They shall extend to the whole of the State of Tamil Nadu including the Kanyakumari district and the Shencottah taluk of the Tirunelveli district] [2][and the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).]

[3][2. Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

[2A] The costs which may be awarded shall include-

(a)[4][***]

(b) the charges necessarily incurred on subsistence money to witnesses; and (c) pleader's fees on the scale prescribed in the following rule.

[5][3. (a) In any proceeding involving an application for compensation in the form of a lump sum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs.35.

The Commissioner may, in any such proceedings, for sufficient cause, increase it to a sum of not exceeding Rs.200 per case.

(b) In all other applications, the pleader's fee shall ordinarily be Rs.25.

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs.30.]

1Inserted as per G.O. Ms. No.3612, Industries, Labour and Co-operation, dated 22nd July, 1960 2 Amended in G.O. Ms .No.1832, Industries, Labour and Co-operation, dated 24th March, 1962 3 Re-numbered by G.O. Ms. No.3612, Industries, Labour and Co-operation, dated 22nd July, 1960 4 Omitted by G.O. Ms. No.2527, Labour and Employment, dated 21st November, 1988

5 Subs. by G.O. Ms. No.236, Labour and Employment, dated 28th January 1983

4. When a party engages more Pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.

5. If several respondents having substantially one defence to make, succeed thereon, not more than one fee shall be allowed; and the court shall apportion it, among the several respondents in such manner as it may think fit.

6. If several respondents have separate and distinct defence to make, they may, if successful, be allowed separate costs whether they are represented by separate Pleaders or not.

[1][***]

11. The following registers shall be maintained by the Commissioner:-

(1) a register in

Form I of application for the settlement of any matter filed before the Commissioner;

(2) a register in Form II of subpoena application filed before the Commissioner;

(3) a register in Form III of processes delivered for service on parties; [2][(4) ***]

(5) a register in Form V of deposits received from and repayment made to parties;

(6) a register in Form VI of miscellaneous applications filed before the Commissioner; and

(7) a register in Form VIII showing the receipts and the disposal of applications for copies of records.

Form VIII.

(2) All Proceedings subsequent to an original application or petition may be headed with a short cause title as in Form IX.

13. The full name, residence and description of each party and if such is the case, the fact that any party proceeds or is proceeded against, in a representative character shall be set out at the beginning of the applications as in

14. Every application shall at the foot thereof contain a list to be signed by the applicant or his representative of the documents filed therewith, in

Form XI or a statement signed as aforesaid that no document is filed therewith.

[1]Rules 7, 8, 9 and 10 omitted by G.O. Ms. No.2527, Labour and Employment, dated 21st November, 1988

[2]Omitted ibid.

15. All applications, written statements and other proceedings and documents may be presented to or filed in Court by delivering the same personally to the Chief Ministerial Officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the document the date of presentation or receipt by registered post and if proceedings are thereby instituted shall insert the serial number.

16. Without prejudice to anything contained in the Act or in the rules framed thereunder by the Government of India or in these rules, a party shall be at liberty to inspect and obtain a copy of any document receipted or referred to in an application or written statement and filed in Court therewith.

17. Every party and his representative desiring to inspect or to obtain copy of any proceedings filed in Court by him or any other party or a Commissioner or officer of Court or any other record relating to the application or matter to which he or his client is a party shall present a memorandum in

18. An application for inspection of copies of records or documents of, or in the custody of, a Court other than records or documents filed in an application or proceeding or matter to which the applicant is a party shall be made in

Form XII and shall be supported by an affidavit stating whether the applicant has any and if so what interest in the subject matter of the document or of the proceedings in which the record or document is filed, the purpose for which inspection or copy is required and if the same is required for the purpose of an intended or pending proceedings the nature of the said proceedings and the relevancy of the record or document to the case of the applicant.

The Court may in its discretion grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings if it thinks necessary.

19. When a person is entitled to inspect a proceeding or document, the search therefor shall be made by the officer of the Court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required but expect where otherwise expressly provided by these rules, he shall not be entitled to take a copy of the proceeding or document or any part thereof or to make extract there from.

20. All copies furnished by the Court shall be certified to be true copies and shall be sealed with the seal of the Court. The Chief Ministerial Officer of the Court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and interlineations made therein.

21. Every copy shall bear an endorsement showing the following dates :-

(1) Application made; (2) stamp papers or charges called for; (3) stamp papers or charges deposited; (4) copy ready; and (5) copy delivered or posted.

22. (1) One stamp paper of the value of twenty paise shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and vernacular works with short suffixes and inflections shall be fixed by the Commissioner and deposited in Court in cash:

(3) Cost of copying maps, plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in Court in cash:

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provision contained in sub-rules (1) and (3).

23. (1) On receipt of an application for copies of records of documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp papers or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so required by registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy or inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or to discover erasures or interpollations therein, he shall do so in open Court at the hearing of the application.

[1][(3) The report required to be sent by an employer under sub-sections (1) and (2) of section 10-B shall be in

Form XVI.]

[1]Ins. by G.O. Ms. No.230, Labour and Employment, dated 4th March 1977

NOTICE BOOKS

25. Notice books in Form XV shall be maintained in all establishments specified below wherein 1,000 workmen or more are employed:-

(a) Textile mills. (b) Jute mills.

(c) Railway workshops. (d) Distilleries.

[1][26. [2][Extracts of such of the provisions of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923), either in [3][Tamil] or in a language understood by the majority of the workers as may be notified by the State Government shall be displayed in a conspicuous place of the premises in the establishment specified below :-

(1) Railways.

(2) All factories.

(3) Mines.

(4) Establishments employing persons in the –

(i) construction of any –

(1) building ;

(2) dam or embankment ; or

(3) bridge ; and

(ii) generation, transmission or supply of electrical energy

(5) Posts and telegraphs

(6) Light-houses

(7) Studios where cinematograph pictures intended for public exhibition are produced or the places where such pictures are exhibited.

(8) Fire brigade centres.

1 Added by G.O. Ms. No.4813, Industries, Labour and Co-operation, dated 27th July 1961

2 Amended by G.O.Ms. No.5170, Industries, Labour and Co-operation (Labour), dated 20th October, 1962

3 Subs. by G.O.Ms. No.5208, Industries, Labour and Co-operation (Labour), dated 8th November, 1965

FORM I

Register of application for the settlement of any matter under the Workmen's Compensation Act, 1923 in the year....

1.Date of presentation or receipt of application 2.Number of application

3.Name -

4.Description - of applicant

5.Address -

7.Description 8.Address - - of the opposite party

6.Name -

9.Particulars -

10.Amount of value 11.When the cause of action accrued - - of claim

Appearance—

12.Applicant -

13.Opposite party - Day for parties to appear

14.Date -

15.For whom 16.For what or amount - - Judgement

17.Date of decision of -

18.Judgement in - Appeal

19.Date of application -

22.For what 23.Amount, if any 24.Amount of costs - - - Execution 20.Date of order -

21.Against whom -

25.Amount paid into Court -

26.Minute of other return than payment and date of every return - - - Return of execution

Note.- Where there are numerous applicants or numerous opposite parties, the name of the first applicant or the first opposite party only as the case may be, need be entered in the register.

FORM II

Register of Subpoena Applications filed in the Court of the Commissioner for Workmen's Compensation

Unexpended Applicant's position in the settlement Batta

To whom delivered for service and
Date of payment to Treasurer and
Serial number and date of receipt
Settlement application number
Checking officer's initials
Names of witnesses
Applicant's name
date of payment
Batta deposited
Mode of service
Date of hearing
Date of return
Date of issue
Process fees
application
his initials
Remarks
Amount

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
R s .															
P .															

FORM III

Register of Processes delivered for service

Date of delivery for service			Mode of service						
				Settlement application					
				Nature of process					
				Number of copies					
				Returnable date					
				When returned					
				Serial number					
				Initial of clerk					
				Unserved					
				Remarks number					
				Served					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

[1][FORM IV]

[1]Omitted by G.O. Ms. 2527, Labour and Employment dated the 21st November, 1988

FORM V

Register of deposits received from and repayment made to parties

	1.Date
	2.Number of each deposit
	3.Reference to application
Receipts	4.From whom received and position of depositor
	5.Nature of each deposit
	6.Amount of each deposit
	7.Initials of the Chief Ministerial Officer
	8.Date
	9.To whom and position of recipient
Repayments	10.Reference to and date of Commissioner's order ordering repayment
	11.Amount and whether paid in cash or by cheque
	12.Initials of the Chief Ministerial Officer

FORM VI

Statement showing the number of miscellaneous applications filed in the Court of Commissioner for Workmen's Compensation.

S.No.	Application Date of file	Application No.	Nature of application	Date of hearing	Date of disposal	Orders
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM VII

Register showing the receipt and disposal of applications for copies in the Court of Commissioner for Workmen's Compensation

Number of application	Name of applicant	Description paper	General number	When deposited	When called for	Given to copyist Examiner	Given to	Number of Stamps	Charges	
				Month and date		Date	Initial	Date	Initial	Date
							Used	used	stamps	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

FORM VIII

Cause title

INT THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION

APPLICATION No. OF 19 .

Between

1. T. Ramaswami Chetty and T. Sivaswamy Chetty .... Applicants and
2. Muniswamy Pillai and M. Ramaswamy Pillai .... Opposite parties

FORM IX

Short Cause title

INT THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION

APPLICATION No. OF 19 .

Between

1. T. Ramaswami Chetty and five others .... Applicants and
2. Muniswamy Pillai and four others .... Opposite parties

FORM X

Cause title

Application

The above named applicants state as follows:-

(1)Tanjore Ramaswamy Chetty, the first applicant, is a workman and resides at

(2)The address of the applicants for service of all notices and processes is 2. Madurai Muniswamy Pillai, the first named opposite party, is the employer of ..... and resides at ..... 3. (Set out the facts showing the cause of action, in consecutive numbered paragraphs.)

4. The applicants estimate the value of the relief sought by them at the sum of Rs.

5. The applicants pray that

(a) (Set out reliefs claimed in successive paragraphs).

(Signed) T. RAMASWAMY CHETTY

FORM XI

List of documents under rule

(Cause title)

Serial number	State if any documents in vernacular and in English	Parties to the document	Description of documents
(1)	(2)	(3)	(4)

(Sd)

Applicant or (opposite) party or pleader or representative of the applicant or opposite party

FORM XII

Form of application for search of records

TO THE COMMISSIONER FOR WORKMEN'S COMPENSATION, MADRAS

The undersigned hereby applies for inspection.

Description of record as under which application Order

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or

Applicant in full far as possible required is made

(1)	(2)	(3)	(4)	(5)

Date: Signature of applicant

FORM XIII

Whereas, I have received information that* a workman employed by you in ** has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with section 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice a statement in the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required either in paragraph 3 or in paragraph 4, duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under section 10-A(2) of the Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation

* Insert name of workman

** Insert name of establishment

FORM XIV

In reply to your notice dated the ..... 19 which was received by me on the ..... 19 , it is submitted that*..... residing at ..... a workman over / under 15 years of age employed in **..... met with an accident on the ..... 19 , as a result of which he died on the ..... 19 . The monthly wages of the deceased amounted to Rs. .....

2. The circumstances in which the deceased met his death were as follows:-

3. I admit liability to pay as compensation, on account of the deceased's death the amount of Rs..... which was/will be deposited with you on/before the ..... 19 .

(One of the paragraphs to be struck out)

4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds:-

5. The names and addresses of the dependants of the deceased so far as known to me are:

Employer

* Insert name of workman

** Insert name of establishment

FORM XV

Form of Notice Book required to be maintained under section 10(3)
of the Workmen's Compensation Act, 1923

Date of accident and time, if known	Name of workman injured	Address of workman injured	Date and Cause of injury	Thumb-impression or signature of person giving notice
(1)	(2)	(3) (4) (5)		(6)

[1][FORM XVI

[See rule 24(3)]

REPORT of ACCIDENTS

To

Sir,

I submit the following report of an accident which occurred on .....(date) at ..... (here specify the place where the accident occurred) ..... and which resulted in the death of / serious bodily injury to the workman/workmen of whom particulars are given in the Statement annexed.

2. The circumstances attending the death of/serious bodily injury to the workman/workmen were as under:-

(a) Time of the accident

(b) Place where the accident occurred

(c) Manner in which the deceased/the injured person/persons was/were employed at the time.

(d) Cause of the death/serious bodily injury

(e) Any other relevant particulars

Signature and designation of person making the report

STATEMENT

such persons, name of

any of (Wife/Children/Father, etc.)] name and in the absen

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1Added by G.O. Ms. No. 230, Labour and Employment, dated the 4th March, 1977

2Added by G.O. Ms. No. 1072, Labour, dated the 23rd May, 1988.