



W.P(MD)No.1879 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1879 of 2020

K.Arockiamary

... Petitioner

Vs.

1.The General Manager,
Southern Railway,
Park Town,
Chennai-600 003.

2.The Senior Divisional Personnel Officer,
Palghat Division,
Southern Railway,
Palakkad-678 002,
Kerala State.

3.The Deputy Commissioner of Labour,
(WCA-Authority),
Labour Department,
Government of Tamil Nadu,
Dindigul-624 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner, dated 20-09-2018 and to disburse the WCA compensation share payable on the



W.P(MD)No.1879 of 2020

account of the deceased mother Smt.F.Dhanalakshmi, which is available in the hands of the respondents 1 and 2.

For Petitioner : Mr.J.Sanjey Vignesh
For R1 & R2 : Mr.Mohideen Basha
Government Advocate
For R3 : R.Suresh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Mandamus as against the 3rd respondent to disburse the compensation amount that was deposited by the respondents 1 and 2.

2. According to the learned counsel appearing for the writ petitioner, her mother, namely Dhanalakshmi was working as Senior Track Woman in Railway Station and she died in the course of employment on 20.10.2005. The compensation arising out of the said death was voluntarily deposited by the respondents 1 and 2 before the 3rd respondent herein amounting to a sum of Rs.3,38,880/- (Rupees Three Lakh Thirty Eight Thousand Eight Hundred and Eighty only). However, the 3rd respondent has chosen to return the said amount to the



W.P(MD)No.1879 of 2020

respondents 1 and 2 on the ground that the names reflected in the Legal Heir Certificate are not dependants of the deceased employee. Hence, the present writ petition.

3. The respondents 1 and 2 have deposited the said amount only relying upon the Legal Heir Certificate placed by the writ petitioner before the said authorities. Therefore, the 3rd respondent need not go into the said issue whether they are the dependants or not. The respondents 1 and 2 have deposited the said amount only after being satisfied that the legal heirs are the dependants and the Workman's Compensation Act covers the said accident. The question of 3rd respondent again going into the issue of dependency does not arise.

4. Considering the above said facts, the respondents 1 and 2 are directed to redeposit the said amount before the 3rd respondent within a period of four (4) weeks from the date of receipt of copy of this order. On such receipt, the 3rd respondent is directed to disburse the amount equally among the legal heirs of the deceased Dhalalakshmi within a period of four (4) weeks thereafter.



W.P(MD)No.1879 of 2020

5. With the above said observations, this Writ Petition stands
allowed. No costs.

01.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The General Manager,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.1879 of 2020

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