



**W.P(MD)Nos.11125 & 11126 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 09.07.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)Nos.11125 & 11126 of 2023**

**and**

**W.M.P(MD)Nos.9710 & 9708 of 2023**

**1.W.P(MD)No.11125 of 2023:**

The Branch Manager,  
United India Insurance Company Limited,  
Micro Office, SNS Complex, 1<sup>st</sup> Floor,  
Varadharajan Nagar,  
Cumbum Road,  
Thenkarai, Periyakulam,  
Theni District.

... Petitioner

Vs

1.The Joint Commissioner of Labour/Employees'  
Compensation Commissioner,  
O/o. Joint Commissioner of Labour,  
Near RTO Office,  
Inside Collectorate Campus,  
Dindigul - 624 004.

2.J.Nijanthan  
3.S.Vinoth

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 26.12.2022 passed in I.A.No.163 of 2022 in E.C.No.22 of 2021 by the first respondent and quash the same consequently direct the first respondent to allow the I.A.No.163 of 2022 in E.C.No.22 of 2021 filed by the petitioner.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.R.Ramasamy (R1)  
Counsel for State

: No appearance (R2 & R3)

**2.W.P(MD)No.11126 of 2023:**

Divisional Manager,  
United India Insurance Company Limited,  
Divisional Office,  
K.A.R. Complex, R.S. Road,  
Dindigul.

... Petitioner

Vs

1.The Joint Commissioner of Labour/Employees'  
Compensation Commissioner,  
O/o. Joint Commissioner of Labour,  
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2.R.Kannan

3.C.Kanchana

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 13.01.2023 passed in I.A.No.166/2022 in E.C.No. 62/2016 by the first respondent and quash the same consequently direct the first respondent to allow the I.A.No.166/2022 in E.C.No.62/2016 filed by the petitioner.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.R.Ramasamy (R1)  
Counsel for State  
: No appearance (R2)  
: No appearance (R3)

### **COMMON ORDER**

These Writ Petitions have been filed challenging the orders dated 13.01.2023 and 26.12.2022 passed by the first respondent in I.A. No.166 of 2022 in E.C. No.62 of 2016 and I.A. No.163 of 2022 in E.C. No.22 of 2021, respectively, and consequently seeking a direction to the first respondent to allow the said interlocutory applications by referring the respondents 2 and 3 to the Medical Board for assessment of their permanent disability.



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2.The learned counsel appearing for the petitioners/Insurance Company submitted that the petitioners had issued insurance policies covering the employees of the first respondent/employer, including the respondents 2 and 3. During the course of their employment, respondents 2 and 3 sustained injuries and consequently filed claim petitions before the Commissioner for Employees' Compensation in E.C.No.62 of 2016 and E.C.No.22 of 2021 seeking compensation under the Employees' Compensation Act.

3.It is further submitted that, during the pendency of the claim petitions, the petitioners filed I.A.No.166 of 2022 in E.C. No.62 of 2016 and I.A. No.163 of 2022 in E.C.No.22 of 2021 praying for a direction to refer the injured claimants to the Medical Board for assessment of the nature of injuries and the extent of permanent disability by an expert body. According to the learned counsel, such a procedure has consistently been followed in Motor Accident Claim cases to arrive at a fair and scientific assessment of



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disability. However, the first respondent, by the impugned orders dated 13.01.2023 and 26.12.2022, dismissed the said applications. Aggrieved thereby, the present Writ Petitions have been filed.

4.The learned counsel appearing for the petitioners further submitted that the issue involved in these Writ Petitions is no longer res integra. He placed reliance upon the judgment of this Court in ***C.R.P. No. 586 of 2018 (The United India Insurance Company Limited v. Venugopal and others)***, dated 16.09.2020, wherein this Court, after considering the principles laid down by the Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar and another [2010 (2) TNMAC 581]*** and the Division Bench judgment in ***The Branch Manager, TATA AIG General Insurance Company Limited v. Prabhu and another [2016 (1) TNMAC 609]***, held that, in appropriate cases arising under the Employees' Compensation Act, particularly where the injuries are not covered by the Schedule to the Act, the Commissioner for Employees' Compensation would be justified in



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referring the injured claimant to the Medical Board for an expert assessment regarding the nature of injuries and the extent of permanent disability. Therefore, it is submitted that the impugned orders are liable to be set aside.

5.The learned counsel for the State appearing for the first respondent fairly submitted that the factual aspects are not in dispute and left the matter to the discretion of this Court.

6.Though the names of respondents 2 and 3 are printed in the cause list, there is no representation on their behalf either in person or through learned counsel. Hence, these Writ Petitions are taken up for disposal on the basis of the available materials on record.

7.This Court has carefully considered the rival submissions and perused the materials available on record.

8.The issue that arises for consideration is whether the Commissioner for Employees' Compensation was justified in rejecting the

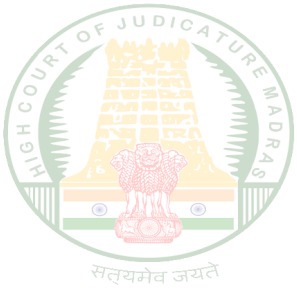


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applications filed by the Insurance Company seeking a reference of the injured claimants to the Medical Board for assessment of permanent disability.

9.The aforesaid issue is no longer res integra. In ***C.R.P. No.586 of 2018 (The United India Insurance Company Limited v. Venugopal and others), dated 16.09.2020***, this Court, after referring to the judgments of the Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar and another [2010 (2) TNMAC 581]*** and the Division Bench judgment in ***The Branch Manager, TATA AIG General Insurance Company Limited v. Prabhu and another [2016 (1) TNMAC 609]***, categorically held that, though the guidelines were framed in the context of proceedings under the Motor Vehicles Act, the very same principles can be applied to proceedings under the Employees' Compensation Act as well, particularly in cases where the injury is not one specified in the Schedule to the Act.



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10.This Court further held that the object of referring an injured claimant to the Medical Board is to eliminate guesswork and bring certainty, uniformity and objectivity in the assessment of permanent disability so that just compensation can be determined. It is also specifically held that the Commissioner for Employees' Compensation would be justified in referring the injured claimant to the Medical Board for obtaining an expert opinion regarding the nature of injuries and the percentage of permanent disability.

11.In the present case, the petitioners sought only a reference of the injured claimants to the Medical Board for an independent assessment of disability. Such a request is fully supported by the law laid down by this Court in C.R.P. No.586 of 2018. The first respondent, without considering the binding precedent and the object behind such reference, dismissed the applications. The impugned orders, therefore, cannot be sustained.

12.Accordingly, the impugned orders dated 13.01.2023 passed in I.A. No.166 of 2022 in E.C. No.62 of 2016 and dated 26.12.2022 passed in



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I.A. No.163 of 2022 in E.C. No.22 of 2021 are set aside. The interlocutory applications filed by the petitioners stand allowed. The first respondent is directed to refer the respondents 2 and 3 to the competent District Medical Board for assessment of the nature of injuries and the extent of permanent disability, if any, in accordance with the procedure laid down by this Court in C.R.P. No.586 of 2018 (The United India Insurance Company Limited v. Venugopal and others), dated 16.09.2020, and thereafter proceed with the adjudication of the claim petitions on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

13.These Writ Petitions are accordingly allowed. No costs.  
Consequently, connected Miscellaneous Petitions are closed.

**09.07.2026**

NCC : Yes / No  
Index : Yes / No  
ps

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