



W.P(MD)No.26579 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.26579 of 2022

and

W.M.P(MD)No.20771 of 2022

Senthil

... Petitioner

Vs

1.The Deputy Commissioner of Labour,
Labour Commissioner Tribunal Court,
Workmen's Compensation,
Madurai.

2.P.Karuppanan
3.P.Petchiammal
4.Alagammal
5.P.Ponbaskar
6.Kannan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the first respondent in E.C.No.61 of 2017 dated 03.08.2022 and quash the same.



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For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Mahaboob Athiff (R1)
Counsel for State

: Mr.J.Selvin Rajesh (R2 to R4)
for M/s.Dictum Law Firm

: Mr.T.Antony Arul Raj (R5)

ORDER

This Writ Petition has been filed to quash the impugned order of the first respondent in E.C.No.61 of 2017 dated 03.08.2022.

2.Learned counsel appearing for the petitioner submitted that the petitioner is a daily wage mason. He came to know that the fifth respondent, Ponbaskar, had undertaken the construction of a new house, for which the sixth respondent was engaged as the engineering contractor. The deceased, Muthalagan, belonged to the petitioner's village. Being an unemployed youth after completing his degree, the deceased joined the petitioner for construction work under the respondents 5 and 6. On 30.05.2016, while in the course of such employment, Muthalagan met with a fatal accident. In



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connection therewith, the jurisdictional police registered a case in Crime No.57 of 2016. Thereafter, the respondents 2 to 4, being the legal heirs of the deceased, filed a claim petition under the Employees' Compensation Act before the first respondent. Upon adjudication, the first respondent fastened the liability jointly on the petitioner and the respondents 5 and 6 and awarded a compensation of Rs.9,01,000/-. Aggrieved by the said order, the present Writ Petition has been filed.

3.Learned counsel for the petitioner further submitted that the petitioner is only a mason by profession and that he, along with the deceased, had gone to the house of the fifth respondent to carry out construction work. It is contended that fastening liability upon the petitioner is wholly unsustainable, as he neither employed the deceased nor acted in the capacity of an employer or an agent. The petitioner has no financial means to satisfy the award passed by the first respondent. Therefore, it is submitted that the impugned order, insofar as it fastens liability upon the petitioner, is liable to be set aside.



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4. During the pendency of the Writ Petition, the second respondent, namely the father of the deceased, passed away. Since the other legal heirs are already on record as the respondents 3 and 4, no further orders are required in that regard.

5. Per contra, learned counsel appearing for the respondents 2 to 4 submitted that it is an admitted fact that the petitioner and the deceased belonged to the same village. The petitioner had taken the deceased to the construction site for carrying out the work entrusted by the respondents 5 and 6, and the deceased died during the course of such employment at the premises belonging to the fifth respondent. After a detailed adjudication, the first respondent rightly fastened the liability upon the petitioner as well as the respondents 5 and 6. Therefore, the impugned order does not warrant any interference by this Court.



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6.Per contra, learned counsel appearing for the fifth respondent submitted that the fifth respondent is only the owner of the premises and had entrusted the construction work to the sixth respondent, who acted as the engineering contractor. During the course of such construction work, the deceased unfortunately lost his life. It is contended that there was no negligence or fault on the part of the fifth respondent. However, on instructions, learned counsel submitted that the fifth respondent is willing to pay a sum of Rs.6,01,000/- in four instalments towards full and final settlement.

7.In view of the above submission, the fifth respondent is directed to pay a sum of Rs.1,51,000/- by way of Demand Draft in the name of Petchiammal, wife of Karuppanan, and a sum of Rs.1,50,000/- by way of Demand Draft in favour of Alagammal, daughter of Karuppanan, as the first instalment on or before 20.07.2026. The remaining sum of Rs.3,00,000/- shall be paid in three equal instalments. A sum of Rs.50,000/- each shall be



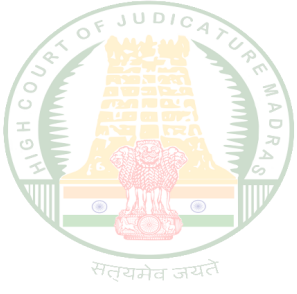
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paid on or before the 15th day of every English calendar month by way of Demand Draft in favour of the respondents 3 and 4. The payment of the aforesaid sum of Rs.6,01,000/- shall be treated as full and final settlement of the liability of the petitioner as well as the fifth respondent. Consequently, the impugned award is set aside insofar as it fastens liability upon the petitioner.

8.However, liberty is granted to the respondents 3 and 4 to initiate appropriate proceedings for recovery of the remaining sum of Rs.3,00,000/- from the sixth respondent in the manner known to law.

9.The first respondent/Deputy Commissioner of Labour shall issue a recovery certificate in respect of the sum of Rs.3,00,000/- against the sixth respondent and take appropriate steps to recover the said amount and disburse the same to the respondents 3 and 4 in accordance with law.



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10. Accordingly, this Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

14.07.2026

NCC : Yes / No
Index : Yes / No
ps

Note: Issue Order Copy on 15.07.2026.

To

The Deputy Commissioner of Labour,
Labour Commissioner Tribunal Court,
Workmen's Compensation,
Madurai.



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M.DHANDAPANI, J.

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