

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

W.P.(C).No.17334 of 2014 (N)

PETITIONER(S):-

JAYARAJ, S/O MAHENDRAN,
THUMPANTTAYYATHU, ADINADU SOUTH,
KATTILKADAVU P.O, KARUNAGAPPALLY.

BY ADV. SRI.B.KRISHNA MANI.

RESPONDENT(S):-

1. VASUDHA, W/O LATE VISWAMBHARAN,
KANNEEPADEETTATHIL, ADINADU SOUTH,
KATTIKADAVU P.O, KARUNAGAPPALLY, KOLLAM DISTRICT - 690542.
2. THE COMMISSIONER OF EMPLOYEE'S COMPENSATION,
KOLLAM, ALAPPUZHA AND JOINT LABOUR COMMISSIONER (PLANNING),
THIRUVANANTHAPURAM - 695001.

R1 BY ADV. SRI.K.SUBASH CHANDRA BOSE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.17334 of 2014 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE APPLICATION, W.C.C NO 33/2009
BEFORE THE COURT OF COMMISSIONER FOR WORKMEN'S
COMPENSATION AND DEPUTY LABOUR COMMISSIONER, KOLLAM
DATED 08-05-2009.
- EXHIBIT P2 TRUE COPY OF THE JUDGMENT DATED 31-03-2012 IN
W.C.C. NO 33/2009 BEFORE THE COURT OF THE COMMISSIONER
FOR WORKMEN'S COMPENSATION AND DEPUTY LABOUR
COMMISSIONER, KOLLAM.
- EXHIBIT P3 TRUE COPY OF THE APPLICATION DATED 02-06-2012 IN
W.C.C. NO 33/2009 BEFORE THE COURT OF COMMISSIONER
FOR WORKMEN'S COMPENSATION AND DEPUTY LABOUR
COMMISSIONER, KOLLAM.
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 16-06-2013 IN
W.C.C. NO 33/2009 BEFORE THE COURT OF THE COMMISSIONER
FOR EMPLOYEE'S LABOUR COMMISSIONER (PLANNING),
THIRUVANANTHAPURAM.
- EXHIBIT P5 TRUE COPY OF ENVELOPE ADDRESSED TO THE PETITIONER
FROM THE OFFICE OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J.

W.P(C) No.17334 of 2014-N

Dated this the 06th day of March, 2015

JUDGMENT

This Court on 20.01.2015 made an interim order as indicated herein below:

“There shall be a stay of Ext.P2 on the petitioner depositing an amount of Rs.4,50,000/- (Four lakh fifty thousand only) before the Commissioner of Workmen's Compensation, within a period of one month from today”.

2. An appeal was filed from the above order, numbered as W.A.397 of 2015, in which the petitioner has been granted three months time from 24.02.2015 to make the deposit as directed herein above. On such deposit being made and on payment of Rs.5,000/- [Rupees five thousand only] as cost to the 1st respondent within a period of three weeks from today, Exhibit P4 order shall stand set aside and the matter shall be taken up by the notified Industrial Tribunal under the Employee's Compensation Act, 1923 who shall decide the same within a period of three months from the date of deposit made by the petitioner. If no deposit is made or cost paid,

then the recovery shall be proceeded with and Exhibit P4 shall stand undisturbed. On orders being passed by the notified Industrial Tribunal, then necessarily the disbursal of the amounts shall be as per the said orders. The 2nd respondent, Joint Labour Commissioner (Planning), Thiruvananthapuram, who was earlier notified as the Commissioner for Employee's Compensation for Kollam and Alappuzha, shall immediately, within a period of two weeks, from today, transmit the files of W.C.C.No.33 of 2009 to the notified Industrial Tribunal. The petitioner and the 1st respondent shall appear before the notified Industrial Tribunal on 25.03.2015 or on the day after that, when the Industrial Tribunal is sitting.

The writ petition is disposed of as above.

Sd/-
K. Vinod Chandran,
Judge

vkul

[true copy]