

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 17398 of 2014 (Y)

PETITIONER:

**ARAVINDAKSHAN, AGED 35 YEARS,
S/O.KUNJIRAMAN, POOTHOTTATHIL HOUSE,
KATTUKULAM.P.O,SREEKRISHNAPURAM.**

BY ADV. SMT.R.LEELA

RESPONDENTS:

- 1. MOHANKUMAR, S/O.PARAN, THEKKETHODI VEEDU,
MANNANUR, KAVALAPPARA(P.O), SHORNUR VIA,
PALAKKAD DISTRICT, PIN-678001.**
- 2. ORIENTAL INSURANCE COMPANY,
PRANAVAM, PATTAMBI, PIN-679303.**
- 3. THE WORKMEN'S COMPENSATION COMMISSIONER,
OFFICE OF THE COMMISSIONER, CIVIL STATION,
PALAKKAD, PIN-678001.**
- 4. THE DISTRICT LABOUR WELFARE OFFICER,
LABOUR DEPARTMENT, CIVIL STATION,
PALAKKAD, PIN-678001.**
- 5. STATE OF KERALA, REPRESENTED BY
THE ADDL.CHIEF SECRETARY TO GOVERNMENT,
LABOUR & REHABILITATION DEPARTMENT,
THIRUVANANTHAPURAM, PIN-695001.**

**R1 BY ADVS.SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW**

R2 BY SMT.K.S.SANTHI

R3 TO R5 BY SENIOR GOVT.PLEADER SRI.K.K.SAIDALAVI.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 17398 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1:TRUE COPY OF THE PETITION UNDER SECTION 22 FILED BY THE
PETITIONER BEFORE THE WORKMEN'S COMPENSATION COMMISSIONER
PALAKKAD IN W.C.C.24 OF 2011.DATED 24/1/2011.**

**EXT.P2:TRUE COPY OF G.O(P)60/2012/LBR DATED 24/04/2012 NOTIFYING THE
NAMES OF CERTAIN DEPUTY COMMISSIONER AND GIVING THEN
ADDITIONAL CHARGE AS COMMISSIONER'S UNDER THE ACT.**

EXT.P3:TRUE COPY OF G.O(MS)NO.8/2014/LBR DATED 24/01/2014.

**EXT.P4:TRUE COPY OF THE CERTIFICATE OF PERMANENT DISABILITY OF THE
PETITIONER DATED 20.12.2005.**

**EXT.P5:TRUE COPY OF THE DISCHARGE CARD OF THE PETITIONER
DATED 03.06.2005.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

smj

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17398 of 2014

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Dated this the 27th day of July, 2015

JUDGMENT

The petitioner is seeking direction to the third respondent for speedy disposal of W.C.C No.24 of 2014 before him.

2. The petitioner is the applicant in W.C.C No.24 of 2011 pending before the third respondent. The W.C.C was filed claiming compensation from respondents 1 and 2 to the tune of ₹5 lakhs. The petitioner alleges that the above application was filed as early as on 24.1.2011.

3. As per Ext.P2, the District Labour Commissioners were given additional charge as Commissioners under the Employees Compensation Act and the same was superseded by Ext.P3 order by which, the presiding officers of the Industrial Tribunal has been accorded the charge of the Commissioner, overlooking the object of the Employees Compensation Act as well as the Industrial Disputes

Act. The petitioner further alleges that no counter has been filed in the WCC though it was filed on 24.1.2011. It is with this background the petitioner has approached this Court.

4. Arguments have been heard.

5. When the matter came up for hearing, the learned counsel for the petitioner has confined his argument to the limited prayer seeking a direction for a speedy disposal of W.C.C No.24 of 2011 before before the third respondent.

Therefore, the writ petition is disposed of directing the third respondent to consider and dispose of W.C.C No.24 of 2011 pending before him within a period of one month from the date of receipt of a copy of this judgment after affording the petitioner as well as the affected parties an opportunity of being heard.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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