

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 30141 of 2010 (P)

PETITIONER(S):

**AJITH KUMAR, S/O.ANIRUDHAN,
AGED 43 YEARS, AJITH INDUSTRIES, EZHAM MILE
KALAMBANAD P.O.**

**BY ADVS.SRI. K.SIJU
SRI.S.SUDHEESHKAR
SMT.BINDU GEORGE**

RESPONDENT(S):

- 1. COMMISSIONER FOR WORKMAN COMPENSATION
AND DEPUTY LABOUR COMMISSIONER, KOLLAM - 691 001.**
- 2. LEELA, W/O.NATARAJAN, ABHILASH BHAVAN,
MANAMPUZHA P.O., KUNNATHUR - 691 553.**
- 3. ABHILASH, S/O.NATARAJAN, ABHILASH BHAVAN
MANAMPUZHA P.O., KUNNATHUR-691553.**
- 4. SAJEEV, S/O.NATARAJAN, ABHILASH BHAVAN,
MANAMPUZHA P.O., KUNNATHUR 691 553.**

R BY GOVERNMENT PLEADER SRI. MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 30141 of 2010 (P)

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF APPLICATION FILED UNDER SECTION 3 OF THE
WORKMAN COMPENSATION ACT BY THE APPLICANT DATED
26.4.01.**
- EXT.P2 COPY OF OBJECTION FILED BY THE PETITIONER ON 5.1.02.**
- EXT.P3 COPY OF ORDER DATED 3.5.10 OF THE 1ST RESPONDENT IN
W.C.CNO.63/01.**

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.30141 of 2010 - P

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Dated this the 19th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the Ext.P3 order of the Commissioner for Workmen's Compensation Kollam. An application is said to have been filed by the husband and father of respondents 2 to 4, who have not appeared herein despite service of notice. Ext.P3 is the order challenged in the above writ petition by the petitioner, who is the employer. A reading of Ext.P3 would indicate that, evidence was adduced in the case and for reason of the applicant being absent, the same was dismissed. However, later the authority suo motu reviewed the same on the ground that, it is an apparent error on the face of the record.

2. The authority purportedly exercised its jurisdiction under Rule 32(2) of the Employees

Compensation Rules, 1924, reads as under:-

32(2): The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

3. There is no power on the Commissioner to review the order passed. It only confers power for correction of a clerical or arithmetic mistake arising from any accidental slip or omission. In such circumstance, Ext.P3 cannot be sustained. Ext.P3 is set aside.

The writ petition would stand allowed. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge