

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 32663 of 2015 (G)

AGAINST THE ORDER/JUDGMENT IN ECC 9/2015 of INDUSTRIAL TRIBUNAL, KOLLAM
DATED 11-06-2015

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
KATTILKADAVU P.O, KARUNAGAPPALLY
KOLLAM DISTRICT-690 542.
2. THE COMMISSIONER FOR EMPLOYEES' COMPENSATION
KOLLAM, INDUSTRIAL TRIBUNAL, KOLLAM-691 013.

R2 BY ADV.K.A.SANJEETHA SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)NO.32663/2015

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF THE APPLICATION W.C.C.NO.33/2009 BEFORE THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION AND DEPUTY LABOUR COMMISSIONER, KOLLAM DATED 8.5.2009

P2-TRUE COPY OF THE JUDGMENT DATED 31.3.2012 IN W.C.C.NO.33/2009 BEFORE THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION AND DEPUTY LABOUR COMMISSIONER, KOLLAM

P3-TRUE COPY OF THE AFFIDAVIT DATED 2.6.2012 IN W.C.C.NO.33/2009 BEFORE THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION AND DEPUTY LABOUR COMMISSIONER, KOLLAM

P4-TRUE COPY OF THE JUDGMENT DATED 16.6.2013 IN W.C.C.NO.33/2009 BEFORE THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION AND DEPUTY LABOUR COMMISSIONER, KOLLAM

P5-TRUE COPY OF THE ORDER DATED 20.1.2015 IN W.P(C)no.17334/2014 BEFORE THE HON'BLE HIGH COURT OF KERALA ERNAKULAM

P6-TRUE COPY OF THE JUDGMENT DATED 24.2.2015 IN W.A.NO.397/2015 BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM

P7-TRUE COPY OF THE JUDGMENT DATED 6.3.2015 IN W.P(C)NO.17334/2014 BEFORE THE HON'BLE HIGH COURT OF KERALA ERNAKULAM

P8-TRUE COPY OF THE FIXED DEPOSIT CERTIFICATE DATED 22.5.2015

P9-TRUE COPY OF THE APPLICATION DATED 22.5.2015 IN ECC NO.9/2015 BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, KOLLAM

P10-TRUE COPY OF THE ORDER DATED 11.6.2015 IN ECC.NO.9/2015 BEFORE THE HON'BLE INDUSTRIAL, KOLLAM.

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SKS

P.A. TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.32663 of 2015

Dated this the 28th day of October, 2015

J U D G M E N T

Ext.P5 interim order as affirmed in Ext.P6 judgment has been incorporated in Ext.P7 final judgment. The same obliges the petitioner to deposit a sum of ₹4,50,000/- (Rupees four lakhs fifty thousand only) in cash with the Commissioner for the Employees' Compensation. The production of a fixed deposit receipt with a lien marked does not tantamount to the compliance of Ext.P7 judgment of this Court. I do not find any reason to interfere with Ext.P10 order declining to accept the fixed deposit receipt.

2. However the petitioner is granted two weeks time from today to deposit a sum of ₹4,50,000/- (Rupees four lakhs fifty thousand only) in liquid cash with the Commissioner for Employees' Compensation. The failure to deposit the amount within the extended time will invite coercive steps against the petitioner. Needless to say that the deposit in cash within the extended time can be treated as compliance of Ext.P7 judgment.

The Writ Petition is disposed of.

V.CHITAMBARESH, JUDGE

sks