

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.26253 of 2003

Date: 04-06-2015

Between:

The United India Insurance Company Limited,

Represented by its Divisional Manager, Ananthapur

.... Petitioner

AND

K. Veeramma and 5 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.26253 of 2003

ORDER:

This writ petition is filed challenging the order dated 29-05-2003 passed in I.A.No.5 of 2003 in W.C.No.27 of 2003, whereby and whereunder the Commissioner for Workmen's Compensation allowed the application for condonation of delay.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. Learned counsel for the petitioner submits that without issuing any notice to the respondents in I.A.No.5 of 2003 in W.C.No.27 of 2003, the Commissioner

for Workmen's Compensation condoned the delay in filing W.C. case, and hence, the order impugned is illegal and against the provisions of the Workmen's Compensation Act.

4. *Prima facie*, a perusal of the order dated 29-05-2003 in I.A.No.5 of 2003 in W.C.No.27 of 2003 shows that before condoning the delay in filing the W.C. case, no notice was issued to the respondents therein and nothing is placed before this court that notice was issued to the respondents. Having regard to the facts and circumstances of the case and the prima facie material, it is noticed that the Commissioner for Workmen's Compensation has not issued any notice before condoning the delay in filing the W.C. case, which is illegal and against the provisions of the Workmen's Compensation Act. Suffice it to say that interests of justice would be met if the Commissioner for Workmen's Compensation is directed to decide afresh the application for condonation of delay in filing the W.C. case, after affording a reasonable opportunity to both parties. Therefore, the order dated 29-05-2003 in I.A.No.5 of 2003 in W.C.No.27 of 2003 is liable to be set aside.

Accordingly, the order dated 29-05-2003 in I.A.No.5 of 2003 in W.C.No.27 of 2003 is set aside and the Commissioner for Workmen's Compensation is directed to consider and decide I.A.No.5 of 2003 in W.C.No.27 of 2003, after affording a reasonable opportunity to both parties within a period of three (3) weeks from the date of receipt of a copy of the order. The writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 04-06-2015

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