

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

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THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.10391 of 2016
and W.M.P.No.9168 of 2016

D.R.Gowardhan

... Petitioner

Vs.

1. The Deputy Commissioner of Labour I
(Under Workmen Compensation Act, 1923),
DMS Compound, Thenampet, Chennai,

2. The Management of Maheswari Enterprises,
109, Raja Street, Dr.Seethapathi Nagar,
Velacherry, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to allow the petitioner to withdraw the amount of Rs.45,927/- (Rupees forty five thousand nine hundred and twenty seven only) deposited by the 2nd respondent as per the order dated 15.4.2015 in W.C.No.104 of 2000 within the time limit fixed by this Court.

For Petitioner : Ms.P.Uma

For Respondents: Mr.R.Razeswaran,
Special Govt.Pleader

O R D E R

The petitioner was awarded compensation in an application filed under the provisions of the Workmen's Compensation Act in W.C.No.104 of 2000 dated 15.4.2015. It is submitted that the compensation amount awarded by the 1st respondent has been deposited by the 2nd respondent - Management before the 1st respondent. Now the petitioner seeks for withdrawal of the said amount and in this regard the petitioner has filed an affidavit before the 1st respondent requesting permission to withdraw the amount deposited by the 2nd respondent. In response to the said affidavit, the 1st respondent has addressed the 2nd respondent to issue a No Objection Certificate to enable him to proceed further. It appears that thereafter there is a stalemate in the matter and

the 2nd respondent has not responded to the communication sent by the 1st respondent dated 14.9.2015.

2. The learned counsel appearing for petitioner would state that till date no appeal has been preferred against the order dated 15.4. 2015 by the 2nd respondent before the appellate authority.

3. In the light of the above, the writ petition is disposed of by directing the 1st respondent to issue notice to the petitioner and 2nd respondent to appear in person, verify as to whether any appeal has been preferred by the 2nd respondent against the order in W.C.No.104 of 2000 dated 15.4.2015 and if no appeal has been filed by the 2nd respondent, the 1st respondent may permit the petitioner to withdraw the amount, which has been deposited to the credit of W.C.No.104 of 2000. The above direction has to be complied with by the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Labour I
(Under Workmen Compensation Act, 1923),
DMS Compound, Thenampet, Chennai,

2. The Management of Maheswari Enterprises,
109, Raja Street, Dr.Seethapathi Nagar,
Velacherry, Chennai.

+1 cc to M/s.P.Uma, Advocate, sr.17769

W.P.No.10391 of 2016

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kra 30.03.2016