

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.1.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.573 OF 2016

D.Kalaivanan

...Petitioner

Vs

1.Suresh, Associate Director,
Vinayasa Engineers Pvt.Ltd.,
Bangalore.

2.Leighton Contractors (I) Pvt.Ltd.,
rep.by its General Manager,
SimonChivers, Chennai-15.

3.Plugstronics Technology Pvt.Ltd.,
PI, SIPCOT Industrial Estate,
Sunguvarchatram, Kancheepuram
District.

4.The New India Assurance Company
Ltd., New India Assurance Building,
No.87, Mahatma Gandhi Road,
Fort, Bombay.

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

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
fifth respondent to take immediate steps to list and adjudicate
the petition filed by the petitioner within a time limit to be
fixed by this Court.

For Petitioner : Ms.P.Uma

ORDER

The petitioner, who is an employee of the first respondent,
has come forward with this writ petition seeking a direction to
the fifth respondent - Authority, exercising powers under the
Workmen's Compensation Act, 1923, to entertain the petition
filed by the petitioner in W.C.No.23 of 2007 under Section 31
wherein the petitioner has claimed 12% simple interest on the

compensation, which was awarded to the petitioner namely Rs.5,20,584/- on account of the accident, which occurred during the course of employment.

2. Admittedly, the Authority has already adjudicated the claim for compensation and an order has been passed on 30.3.2015. However, in the said order dated 30.3.2015, there is no specific direction for payment of interest. After the final orders have been passed, now the petitioner came forward with a petition under Section 31 of the Workmen's Compensation Act for payment of simple interest at 12%.

3. Since this writ petition is taken up for final disposal at the admission stage without ordering notice to the private respondents, the question as to whether such a petition is maintainable or not cannot be adjudicated at this juncture. However, the fifth respondent should pass an order as to whether the petition is maintainable and if it is maintainable, he should consider the same in accordance with law.

4. In view of the above, without going into the merits of the contentions raised by the petitioner or with regard to the maintainability of the petition under Section 31 of the Workmen's Compensation Act, 1923, the writ petition is disposed of with a direction to the fifth respondent to consider the petition filed by the petitioner on 23.11.2015 on merits and pass appropriate orders in accordance with law, after notice to all concerned, within a period of six weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

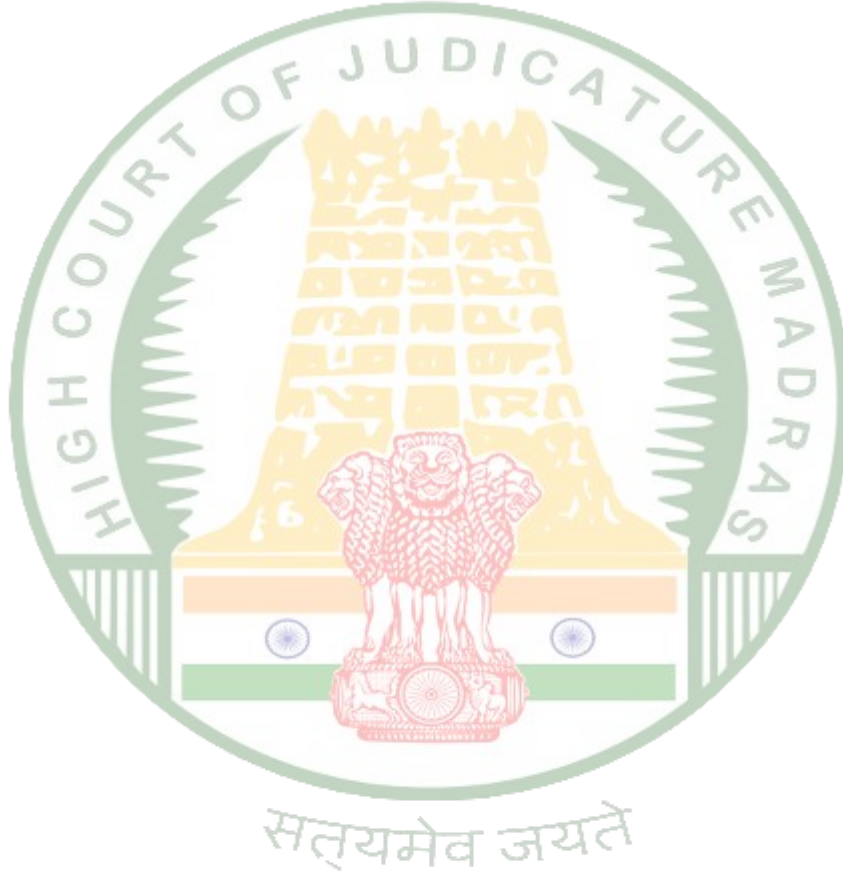
1. The New India Assurance Company Ltd.,
New India Assurance Building,
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Fort, Bombay.

2. The Deputy Commissioner of Labour-I, (Under Workmen
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+1cc to Mr.P.Uma, Advocate, S.R.No.1305

WP.No.573 of 2016

gr(CO)
srg(08/02/2016)



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