

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 14.11.2016****CORAM:****THE HONOURABLE MR. JUSTICE S.NAGAMUTHU****C.R.P.PD (MD) No.1474 of 2015**

M.Dharmalingam

... Petitioner/ Respondent

Vs.

1.V.Vani

2.Minor V.Prasanth

3.Minor V.Preethi

... Respondents/ Petitioners

(Minor R2 and R3 are represented
by their mother the 1st respondent)

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Deputy Commissioner of Labour cum Workmen Compensation Tribunal, Dindigul to number the unnumbered IA of 2015 in W.C.No.42 of 2010 and dispose of the same on merits.

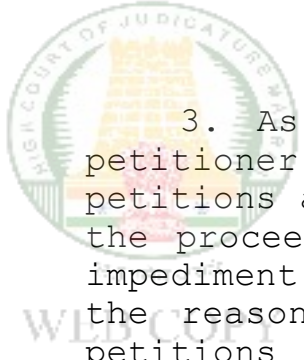
For Petitioner : Ms.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : No appearance

ORDER

The respondents filed W.C.No.42/2010 on the file of the Deputy Commissioner of Labour cum Workmen Compensation Tribunal, Dindigul claiming compensation under the Workmen Compensation Act against the petitioner. The petitioner remained exparte in the matter and therefore, an exparte award was passed by the Tribunal in favour of the respondents herein. Thereafter, the petitioner filed two interlocutory applications before the Tribunal, one for setting aside the exparte award and the other for condoning the delay in filing the petition. But the Tribunal by its proceedings in O.Mu. (Aa3) 3024/2015 dated 05.06.2015 has refused to entertain those petitions on the ground that since the proceedings under the Revenue Recovery Act is pending to recover the amount, such petitions are not maintainable. Challenging the said order, the petitioner has come up with this petition.

2. I have heard the learned counsel for the petitioner and also perused the records carefully. Despite service of notice, the respondents have not made appearance.



3. As rightly pointed out by the learned counsel for the petitioner that it is for the Tribunal to entertain both the petitions and to dispose of the same on merits and the pendency of the proceedings under the Revenue Recovery Act cannot be a legal impediment for the Tribunal to entertain those petitions. Thus, the reasons stated by the Tribunal refusing to entertain those petitions is illegal. In such view of the matter, the impugned order is liable to be set aside.

4. In the result, the civil revision petition is allowed and the impugned order is set aside and the Workmen Compensation Tribunal is directed to entertain both the petitions and after due notice to the respondents, dispose of the same in accordance with law on merits within a period of two months. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

The Deputy Commissioner of Labour

cum Workmen Compensation Tribunal, Dindigul

+1 CC to POLAX LEGAL SOLUTIONS, SR No.68557

C.R.P. (MD) No.1474 of 2015

14.11.2016

RR

SH/SKS-RR:22.11.2016:2P/3C