

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P.No. 7451 of 2004

and

W.P.M.P.No.8819 of 2004

Manavalan Pillai

... Petitioner

Vs.

1. The Deputy Commissioner  
Workmen Compensation  
Thruchirappali-20

2. A.Subramanian

3. K.Karupayee

... Respondents

Prayer : Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in No.A4/512/2000 dated 26.02.2004 and quash the same as illegal, incompetent, irregular and without jurisdiction and further direct the 1st respondent not to initiate any coercive action for recovery of the amounts in W.C.No.130/1999 on its file.

For Petitioner : Mr.V.Ragavachari

For Respondents : Mr.S.Muthukrishnan for R2 & R3

O R D E R

The writ petition has been filed by the petitioner to quash the order of the 1st respondent passed in No.A4/512/2000 dated 26.02.2004 and further direct the 1st respondent not to initiate any coercive action for recovery of the amount in W.C.No.130/1999 on his file.

2. The petitioner was the owner of the India Poultry Farm at Bangalore. The 2nd & 3rd respondents, after the death of their son Thiru.Sekar, filed an application before the 1st respondent/ Workmen Compensation in W.C.No.130/1999. After

contesting, the award has been passed in favour of the respondents 2 & 3 on 19.06.2000. The said award amount was paid directly to the second and third respondents.

3. Thereafter, the 1st respondent had issued a notice on 18.11.2002 to the petitioner to deposit the compensation amount as per the award passed and also a letter was sent to the petitioner on 26.02.2004 stating that there is no provision under the provisions of the Workmen Compensation Act to pay the amount directly to the workmen and the same should be resorted to only under the provisions, against which the petitioner has filed the present writ petition.

4. Learned counsel for the 2nd and 3rd respondents would submit that since the entire amount has been paid and the same was also received by the 2nd and 3rd respondents, there is no need to send any notice to the petitioner for claiming the very same amount.

5. The 2nd and 3rd respondents themselves admit that they have received the entire amount as per the award and nothing can be adjudicated further before the Labour Court. An endorsement is also made to that effect.

6. Accordingly, the impugned notice dated 26.02.2004 is set aside and the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/  
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Deputy Commissioner  
Workmen Compensation  
Thruchirappali-20

+1cc to V.Raghavachari, Advocate SR.No.62626

SDR 11.10.2017

W.P.No. 7451 of 2004