

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19013 of 2017

M.Rajaram

.. Petitioner

Vs.

1. The Deputy Commissioner of Labour-II,
Authority under the Employees
compensation Act, IInd Floor,
Labour Welfare Board Building,
DMS Campus, Teynampet,
Chennai - 6.
2. The District Collector,
Kanchipuram District.
3. The Tahsildar,
Kanchipuram Town & District.
4. Tmt.Kasthuri
5. Nithianandam
6. Tmt.Bharathi
7. Senthil

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Mandamus to direct the first respondent to issue certified copy of the award dated 14.09.2015 passed in E.C.No.118/2004 on the file of the first respondent in an earlier date.

For Petitioner : Mr.VKR.Balakrishnan

For R1 : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to issue a certified copy of the award dated 14.09.2015 passed in E.C.No.118/2004 on the file of the first respondent.

2. The learned counsel for the writ petitioner contended that in Page No.7 of the typed set of papers enclosed along with the present writ petition, a representation is submitted to the Deputy Commissioner of Labour- II, to furnish the certified copy of the award dated 14.09.2015, passed in E.C.No.118/2004.

3. The learned Special Government Pleader appearing on behalf of the first respondent urged this court to see Page No.8 of the typed set of papers, wherein, a letter was sent to the writ petitioner by the Deputy Commissioner of Labour-II, Chennai - 6. Since, the said letter states that there is a petition filed by the writ petitioner to condone the delay and to set aside the exparte award. In this regard, the affidavit filed in Interlocutory Application in E.C.No.118/2004 stipulates that the petition to set aside the exparte final order dated 14.09.2015 passed in E.C.No.118/2004 was filed on 03.06.2017. Having filed an application before the Deputy Commissioner of Labour-II, Chennai -6, to set aside the exparte order and to condone the delay in filing the petition, the present writ petition is absolutely misconceived and the writ petitioner has chosen to approach this Court in order to delay the implementation of the award one way or other. Such an attitude of the writ petitioner is to be deprecated and the writ petition cannot be entertained by this Court at this stage, in view of the fact that the writ petitioner has already filed a petition before the Deputy Commissioner of Labour -II, to set aside the exparte award. Thus, the prayer as such sought for in this writ petition is refused.

4. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

dn/dna

To

1. The Deputy Commissioner of Labour-II,
Authority under the Employees
compensation Act, IInd Floor,
Labour Welfare Board Building,
DMS Campus, Teynampet,
Chennai - 6.

WEB COPY

2. The District Collector
Kanchipuram District.

3. The Tahsildar
Kanchipuram Town & District.

+1cc to Mr.VKR.Balakrishnan, Advocate, S.R.No.52612

+1cc to the Government Pleader, S.R.No.53990

W.P.No.19013 of 2017

CP(CO)
CS/21/08/17



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