

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.19069 to 19080 of 2017 and WMP.No.20591 to 20602

M/s.Jeppiaar Institute of Technology,
rep.by its Managing Trustee,
Mr.N.Marie Wilson,
Jeppiaar Nagar, Kunnam Village,
Sriperumpudur Taluk,
Kancheepuram District. ...Petitioner in all writ petitions

Versus

- 1.The Commissioner,
Workmen Compensation-2 cum
Deputy Commissioner of Labour-2,
Chennai.
- 2.The Deputy Director,
Labour Welfare and Sanitation Department,
Circle-1, Sriperumpudur,
Kancheepuram.
...Respondents 1 & 2 in all writ petitions
- 3.Mr.Ajaya Gachhayat
...Respondent in W.P.No.19069/2017
Mr.Naren Baitha ...Respondent in W.P.No.19070/2017
Mr.Hamadar Borah ...Respondent in W.P.No.19071/2017
Mr.Kumbakarnan ...Respondent in W.P.No.19072/2017
Mr.Narendra Kuanra ...Respondent in W.P.No.19073/2017
Mr.Ghankathar Borah ...Respondent in W.P.No.19074/2017
Mr.Balak Gachhayat ...Respondent in W.P.No.19075/2017
Mr.Ghasia Bhatara ...Respondent in W.P.No.19076/2017
Mr.Binod Borah @ Vinoth ...Respondent in W.P.No.19077/2017
Mr.Bren ...Respondent in W.P.No.19078/2017
Mr.Bhula ...Respondent in W.P.No.19079/2017
Mr.Naanu ...Respondent in W.P.No.19080/2017

COMMON PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records in அ தி மு (ஆ) எண். 3244/2017, 3251/17, 3246/17, 3247/17, 3247/17, 3243/17, 3242/17, 224 5/17, 3252/17, 3249/17, 3241/17, 3248/17 and 3250/17 respectively

dated 19.05.2017 on the file of the 1st respondent and quash the same and further direct the 1st respondent to call for the deposit made to the account of District Munsif-cum-Judicial Magistrate, Sriperumpudur on 24.08.2012 and 13.09.2012 to the tune of Rs.53,00,000 and apportion the same proportionately to the 3rd respondent .

For Petitioner in all W.Ps : Mr.K.V.Sajeev Kumar

For Respondents in all W.Ps: Mr.K.Dhanajayan,
Special Government Pleader
for R1 and R2

ORDER

The order dated 19.05.2017 issued by the 1st respondent is in challenge in this writ petition. At the outset, all these writ petitions are filed for a direction to the 1st respondent to call for the deposit made to the account of District Munsif cum Judicial Magistrate, Sriperumpudur on 24.08.2012 and on 13.09.2012 to the tune of Rs.53,00,000/- and apportion the same proportionately to the respective respondents who are all victims in the incident.

2. The respondents / Victims / Legal heirs, during the course of their performance of their duties, met with an accident in the premises of the writ petitioner's Institution and died and the issue regarding the accident was referred to the Workmen Compensation. The Competent Authority under the Act had undertaken the process of enquiry and passed Awards on 31.01.2013 and on 15.03.2017 respectively. All the awards are enclosed in the typed set of papers in this writ petition.

3. The writ petitioner's Institution has to pay the award amount to the victims/Legal heirs. Instead of making payment to such poor victims/legal heirs, the writ petitioner filed the present writ petitions with a prayer to direct the Commissioner of Workmen Compensation to call for the deposit made to the account of District Munsif cum Judicial Magistrate, Sriperumpudur on 24.08.2012 and 13.09.2012 respectively.

4. This Court has to examine that whether such a relief can be granted in this writ petition or not?

5. First of all, the 1st respondent is the Commissioner/Competent Authority under the Workmen Compensation Act. He is certainly not having any power to call for the deposits made by the writ petitioner to the account of the District Munsif cum Judicial Magistrate, Sriperumpudur. The Commissioner has not been vested with any such power and therefore, the prayer coined in this writ petition is absolutely misconceived. That apart, this Court is of the view that the

poor victims and their Legal heirs are suffering for the past few years and the amount of compensation to such poor people will certainly help them to get along with their remaining life. Instead of paying the compensation to the victims/Legal heirs, the writ petitioner has chosen to file these writ petitions in order to delay the payment. The attitude of the writ petitioner certainly deserves to be deprecated.

6. The writ petitioner's Institution is running number of Technical Institutions in this State. They are imparting education to large number of students and receiving substantial quantum of fees from those students. Therefore, certainly this Court has not doubted with their capability of paying the compensation to the poor victims/Legal heirs. This Court expects that the writ petitioner in such matters should have magnanimous approach in settling the compensation, awarded by the Competent Authority under the provision of Workmen Compensation Act and they are not supposed to prolong or protract the litigation so as to avoid implementation of the award passed by the Competent Authority under the Workmen Compensation Act.

7. Be that as it may, the prayer as such sought for cannot be granted. In view of the fact that the 1st respondent/Commissioner of Workmen Compensation has no authority or jurisdiction to call for the deposit made to the account of District Munsif cum Judicial Magistrate, Sriperumbadur, the prayer deserves no further consideration on merits and even otherwise, the writ petitioners are bound to pay the compensation to the victims/Legal heirs in accordance with the order passed by the Competent Authority under the Workmen Compensation Act.

8. Accordingly, the writ petitioner is directed to pay the compensation without any further delay to the victims/Legal heirs. With this view of the matter, no further adjudication is required.

9. Accordingly, the writ petitions stand dismissed with the above direction. No costs. Consequently, Connected Miscellaneous Petitions are also closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sk

To

1.The District Munsif, Cum Judicial Magistrate,
Sriperumpudur.

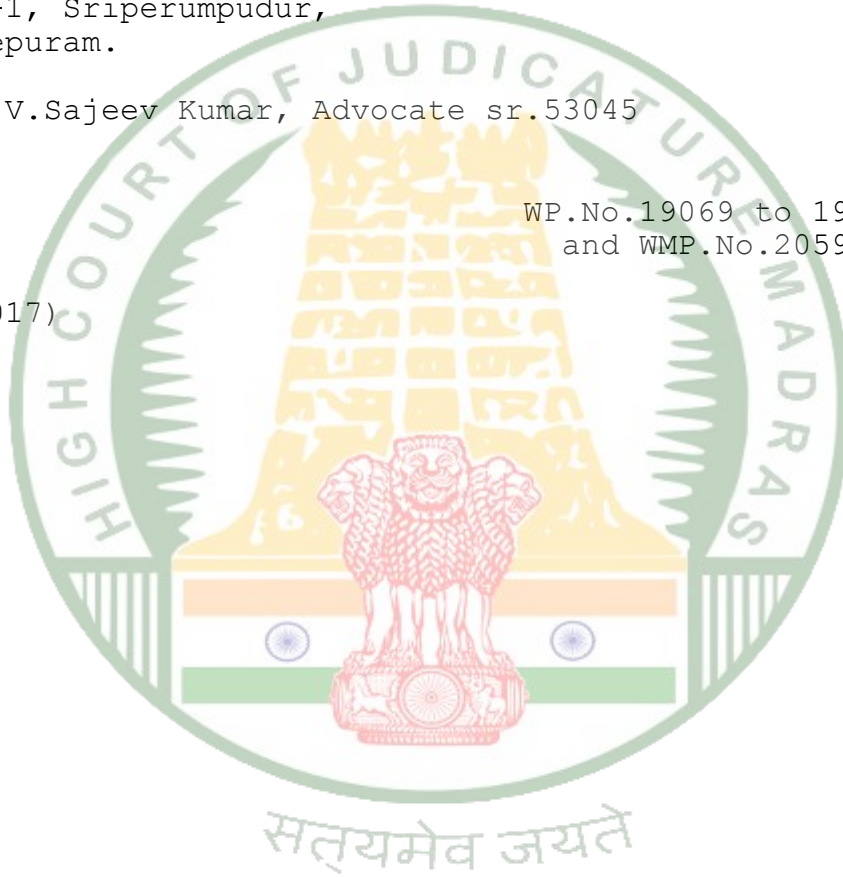
2.The Commissioner,
Workmen Compensation-2 cum
Deputy Commissioner of Labour-2,
Chennai.

3.The Deputy Director,
Labour Welfare and Sanitation Department,
Circle-1, Sriperumpudur,
Kancheepuram.

+1cc to K.V.Sajeev Kumar, Advocate sr.53045

WP.No.19069 to 19080 of 2017
and WMP.No.20591 and 20602

ss(21/8/2017)



WEB COPY