

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-02-2017

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.1984 of 2017
and W.M.P.No.1988 of 2017

Saraswathy

.. Petitioner

Vs.

1. The Managing Director
Tamil Nadu Co-operative Milk Producers
Federation Limited
Head Quarters
Madhavarm
Chennai - 600 051
 2. The Commissioner
Milk Production and Diary Development
No.2, Muthuramalingam Salai
Nandanam
Chennai - 600 035
 3. The Secretary
Government of Tamilnadu
Animal Husbandry, Dairying and Fisheries Department
Fort St.George
Chennai - 600 009
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents to pay a sum of Rs.25,00,000/- towards compensation for the disabled petitioner and further direct the first respondent to appoint the petitioner as a Permanent employee in the Ambattur Dairy unit belonging to Tamil Nadu Co-operative Milk Producers Federation Limited.

For petitioner :: Mr. K.V. Muthu Visakan

For respondents:: Mr. T.K. Ashok Kumar for R1
Ms. T. Girija, Govt. Adv. for RR2 & 3

O R D E R

This writ petition has been filed by Ms. Saraswathy, seeking a writ of mandamus directing the respondents to pay a sum of Rs.25,00,000/- towards compensation for the disability occurred, due to the accident met by her during the course of employment and further, direct the first respondent to appoint her as a Permanent employee in the Ambattur Dairy unit belonging to Tamil Nadu Co-operative Milk Producers Federation Limited.

2. Insofar as the first part of the prayer is concerned, the petitioner has to work out the remedy for the purpose of getting compensation by stating the fact that she has met with an accident during the course of the employment, before the concerned Authority under the Workmen Compensation Act, 1927.

3. Coming to the second part of the prayer, it is averred that from the date of joining the Ambattur Dairy Unit belonging to the first respondent from April 2014, she was working continuously in the night-shift making milk pockets. Unfortunately, on 27-01-2016, when she was working in the night-shift, the milk pocket had fallen down in a machine and when she tried to take the same, her left hand got crushed in the machine. Immediately, she was taken to Rajiv Gandhi Govt. General Hospital for treatment and she was also taking treatment for the period from 27-01-2016 to 04-04-2016 and finally, her left hand was amputated. Subsequently, a disability certificate has also been issued by the Government Institute of Rehabilitation Medicine at K.K. Nagar, Chennai. In view of the above, she has made a representation dated 27-09-2016, for her alternate employment. The said representation has not been answered till date by the respondent.

4. Mr. T.K. Ashok Kumar, learned counsel takes notice for the first respondent and Ms. T. Girija, learned Government Advocate takes notice for the second respondent.

5. The learned counsel for the first respondent would submit that as the Deputy Director, Industrial Safety and Health Centre, Guindy has to make proper proposal to provide alternate employment to the petitioner, and since the said exercise would take two months' time, prays for three months' time.

6. Therefore, keeping in mind the plight of the petitioner, a direction is issued to the first respondent to

consider the representation of the petitioner to provide alternate employment within a period of three months' from today.

7. The writ petition is disposed of, the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

glp

To

1. Deputy Director,
Industrial Safety and Health Centre,
Guindy
Chennai
2. The Secretary
Government of Tamilnadu
Animal Husbandry, Dairying and Fisheries Department
Fort St.George
Chennai - 600 009

+1cc to M/s.K.V.Muthuvisakan, Advocate sr.8168

+1cc to Mr.T.K.Ashok Kumar, Sr.8288

+1cc to Government Pleader sr.9042&8327

W.P.No.1984 of 2017

nr(co)
ss(2/3/2017)

सत्यमेव जयते

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