

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD) No.4711 of 2012

Subbuarayan

.. Petitioner

Vs.

1.Palani

2.United India Insurance Co. Ltd.,
No.2, Dr.Sankaran Road,
Namakkal

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking for a direction directing the Deputy Commissioner of Labour, Salem (Camp Court at Namakkal) to take on file the interlocutory applications in I.A.No.A.Thi.Mu.A2/1799/2012.

For Petitioner : Mr.Ma.P.Thangavel

For Respondents : No appearance

ORDER

This Civil Revision Petition has been filed seeking for a direction to the Deputy Commissioner of Labour, Salem (Camp Court at Namakkal) to take on file the interlocutory applications in

I.A.No.A.Thi.Mu.A2/1799/2012.

2. The petitioner is the first respondent, first respondent is the petitioner and second respondent is the second respondent in W.C.No.418 of 2012 on the file of the Commissioner for Workman Compensation, Salem (Camp Court at Namakkal). The first respondent filed the said W.C, seeking for compensation against the petitioner and second respondent. Since the petitioner did not file counter affidavit within the time, he was set exparte and an award was passed on 18.10.2004, directing the petitioner to pay a sum of Rs.2,00,565/- to the first respondent within a period of 30 days from the date of receipt of a copy of that order. The petitioner filed I.A.No.59 of 2005 to set aside the exparte decree and the said application was allowed on condition that the petitioner pays a sum of Rs.1,000/- as cost to first respondent. The petitioner failed to comply with the said order within the time stipulated by the Court and the said application was dismissed. The petitioner filed an application to condone the delay of 540 days in filing the petition to restore the I.A.No.59 of 2005, which was dismissed for non compliance of the order. The Deputy Commissioner of Labour, Salem returned the said application without numbering the same on the ground that the Revenue Recovery proceedings are pending against

the petitioner before the District Collector, Namakkal.

3. Against the said return dated 30.03.2012, made in I.A.No.A.Thi.Mu.A2/1799/2012, the present Civil Revision Petition is filed by the petitioner.

4. The learned counsel appearing for the petitioner submitted that at the time of admission on 05.03.2013, this Court directed the petitioner to deposit a sum of Rs.1,90,000/- to the credit of the W.C.No.418 of 2002. As per the order of this Court passed on 05.03.2013, the petitioner has deposited the said amount in the Indian Bank, Service Branch, Salem in the name of Deputy Commissioner of Labour, Salem and filed a memo before this Court.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though notice has been served on the respondents and their names are printed in the cause list, there is no representation either in person or through counsel.

6. The only contention of the learned counsel appearing for the petitioner is that the Deputy Commissioner of Labour, Salem has

returned the application on erroneous ground. The Deputy Commissioner of Labour ought to have numbered the application and passed orders on merits. Pendency of Revenue Recovery proceedings before the District Collector, Namakkal is not a bar for numbering the application and passing orders on merits. The said contention has considerable force. In view of the same, the petitioner is permitted to re-present the said application within two weeks from the date of receipt of a copy of this order. The Deputy Commissioner of Labour, Salem is directed to number the same if it is otherwise in order, within a period of two weeks thereafter and decide the application after giving opportunity to both the petitioner and the respondents.

7. With the above direction, the Civil Revision Petition is allowed. No costs.

सत्यमेव जयते

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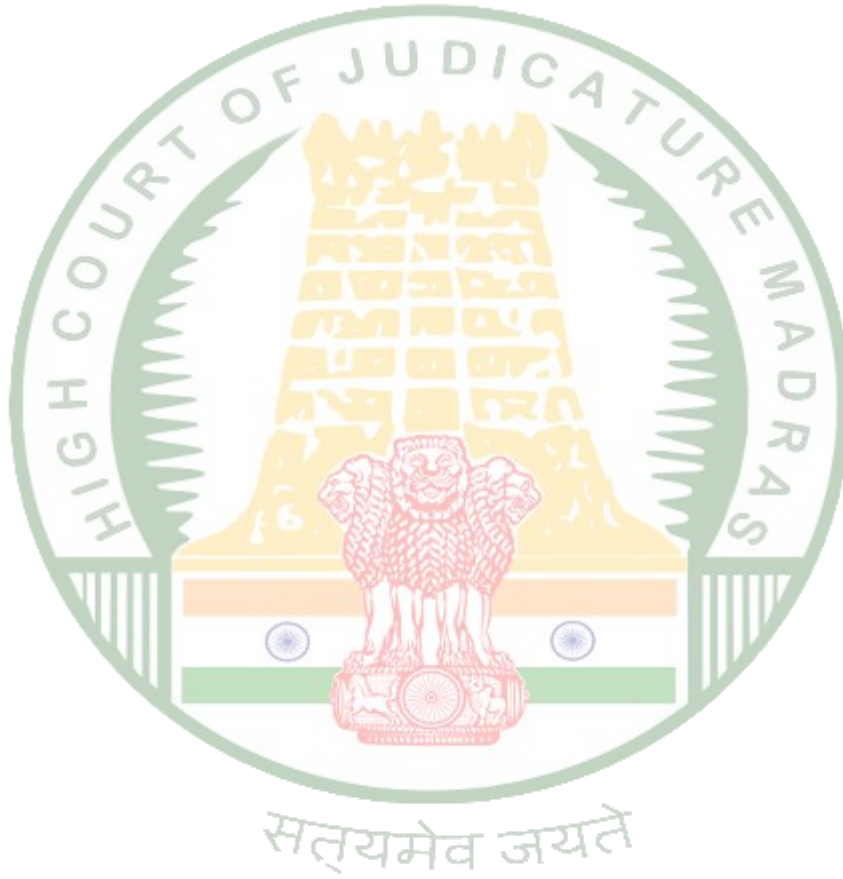
Index: Yes/No

gsa

Note: The Office is directed to return the original petition and affidavit to the petitioner.

To

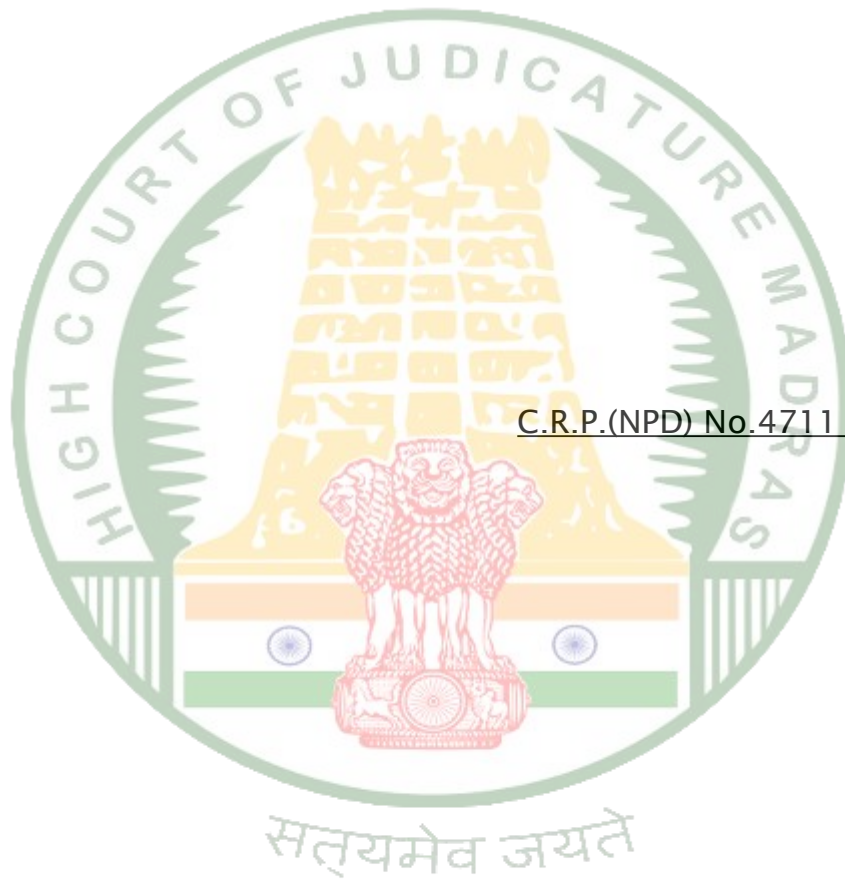
The Deputy Commissioner of Labour,
(Camp Court),
Salem.



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V.M.VELUMANI,J.

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