



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP(MD) No.11782 of 2017
IN
CMA(MD) No.SR33608 of 2016

R.VELLAICHAMY

... PETITIONER/APPELLANT

Vs

1 N.AMBIKAPATHY
2 SUNDARA MAHALINGAM

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of exemption from depositing the award amount of Rs.1,99,661/- passed in W.C.No.26 of 2010 dated 08/07/2016 on the file of the Deputy Commissioner of Labour(Commissioner for Workmen Compensation), Tirunelveli in the Civil Miscellaneous Appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. R.J.KARTHICK, Advocate for the petitioner the court made the following order:-

The appellant herein seeks to question the award passed by the Commissioner for Workman Compensation. But he seeks exemption from depositing the award amount as per Section 30 of the Employees' Compensation Act, 1923. The appeal will not lie unless the award amount has already been deposited. In fact, a certificate by the Commissioner should accompany the memorandum of the appeal. That is the clear and unambiguous statutory mandate set out in the third proviso to Section 30 (1) of the Act.

2. Therefore, the question of granting any exemption does not arise. This application is without any merit. It stands dismissed.



The dismissal of this petition shall not come in the way of the petitioner herein from working out his remedies in the manner known to law.

3. The Registry is directed to return the impugned order in original.

sd/-
19/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE DEPUTY COMMISSIONER OF LABOUR,
(COMMISSIONER FOR WORKMEN COMPENSATION), TIRUNELVELI.

ORDER
IN
CMP (MD) No.11782 of 2017
IN
CMA (MD) No.SR33608 of 2016
Date :19/12/2017

MKV-PM-PN-SAR 4/4.1.2018/2P-2C