

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY ,THE 02ND DAY OF NOVEMBER 2018 / 11TH KARTHIKA, 1940

WP(C).No. 35021 of 2018

PETITIONER:

SINDH K.R, AGED 47 YEARS
W/O LATE VIJAYAKUMAR.P.K,RESING AT PUTHIYANIKATHIL
VEEDU,KATIKUNNU PO,CHEMBU VAIKOM,KOTTAYAM PIN 686675

BY ADV. SRI.JOLLY JOHN

RESPONDENTS:

SOUTHERN RAILWAY
TRIVANDRUM DIVISION,REPRESENTED BY ITS SENIOR
DIVISIONAL MANAGER,COMMERCIAL BRANCH,TRIVANDRUM,PIN
695014

OTHER PRESENT:

SC SRI. C. S. DIAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02.11.2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, a widow, claims compensation because her husband, a Railway employee, died in harness. The Court of the Commissioner for Employee's Compensation, Alappuzha, passed the Ext.P1 judgment holding that the employer should pay Rs.3,72,740/- with 12% interest per annum from 11.03.2008.

2. Ventilating her grievance that the respondent employer has not complied with Ext.P1 judgment, the petitioner has filed this writ petition.

3. In response to the submissions made by the petitioner's counsel, the learned Senior Counsel submits that the respondent has been taking steps to file a statutory appeal.

4. At any rate, the Tribunal passed the Ext.P1 judgment in February 2018. It is more than eight months by now. This Court does not come in the way of the respondent's filing an appeal, if it chooses to. On the other hand, if it does not file any appeal and get the Ext.P1 suspended, the respondent shall pay the entire amount to the petitioner in 45 days. Fixing this time frame, I dispose of the writ petition.

Sd/-

DAMA SESHADRI NAIDU
JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 A TRUE COPY OF THE JUDGMENT BY THE
INDUSTRIAL TRIBUNAL/ECC DATED 23/02/2018

EXHIBIT P2 A TRUE COPY OF THE COMMUNICATION DATED
2/7/18 SENT BY THE PETITIONER TO THE
RESPONDENT.

RESPONDENTS' EXHIBITS - NIL

// TRUE COPY // P.A. TO JUDGE

SD