

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9008 of 2018

and

W.M.P.Nos.10860 & 10861 of 2018

R.Ranjitham

...Petitioner

.Vs.

1.Pazhaniammal

2.Assistant Commissioner of Labour

Workman Compensation Commissioner Court
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Ceritorari, to call for the records in the order W.C.No.623 dated 30.01.2015 passed by the second respondent, Assistant Commissioner of Labour, Workman Compensation Commissioner Court, Salem and quash the same.

For Petitioner : Mr.T.Ganesan

For Respondents : Mr.A.Raghu
Government Advocate

O R D E R

The writ petition on hand is filed against the order passed by the Assistant Commissioner of Labour, Workmen Compensation Commissioner Court, Salem, in W.C.No.623 of 2004 dated 30.01.2015 on account of an accident the workman died and accordingly, an application under Workmen Compensation Act was filed in W.C.No.623 of 2004, after a prolonged adjudication the competent authorities under the Workmen Compensation Act passed an order on 30.01.2015. The case was pending before the Authority for about 11 years and ultimately, an award of compensation was calculated under the Workmen Compensation Act and an award of compensation of Rs.3,14,470/- was passed. However, the writ petitioner employer had not chosen to prefer an appeal against the order dated 30.01.2015 for the past 3 years.

3.Further, the learned counsel for the respondents states that the writ petition is not maintainable in view of the fact that the petitioner has to pay the court fee and prefer a Civil Miscellaneous Appeal and the present writ petition is filed in order to avoid the payment of court fee based on the award amount. Therefore, the writ petition is liable to be rejected on the ground of delay as well as on the ground of maintainability.

4.This court is of an opinion that the Workmen Compensation Act is a welfare legislation and the factum in the present case is that the workman died on account of demolition of a building. Therefore, the benefit of compensation cannot be delayed as far as the victim is concerned. However, this court is not inclined to go into the merits of the matter at this point of time in view of the fact that the writ petition cannot be maintained against an order passed by the competent authority under the provisions of the Workmen Compensation Act. This apart, there is a huge delay of more than 3 years in filing the present writ petition challenging the order dated 30.01.2015 passed in W.C.No.623 of 2004. Thus, the writ petition is liable to be rejected on both of these grounds.

5.Accordingly, the present writ petition stands dismissed both on the ground of laches and on the ground of maintainability.

However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

Assistant Commissioner of Labour
Workman Compensation Commissioner Court
Salem.

+1cc to M/s.T.Ganesan, Advocate Sr.No.27611

MP (CO)

sm:27.4.2018

W.P.No. 9008 of 2018

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