

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM

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

W.P.No.9447 of 2014 &
M.P.No.1 of 2014

The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

...Petitioner

Vs

1.The Deputy Commissioner of Labour-1,
For Workmen's Compensation,
Teynampet,
Chennai - 600 006.

2.M/s.Raus Constuction Pvt., Ltd.,
4-10-30, 7th Street,
HMT Nagar, Nucharan,
Hyderabad - 500 076.

3.Mr.Srinivasan @ Srinivas

4.Mrs.Vijaya

5.D.Ravikumar (Minor)

6.D.Mohan (Minor)

... Respondents

(Respondents 5&6 are Minors Rep by their Mother Vijaya)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India issue a writ of certiorari to call for the orders on the file of the 1st respondent herein in W.C.No.99 of 2011 and quash the Impugned Order dated 14.08.2013 passed by the 1st respondent herein as highly illegal and arbitrary.

For Petitioner

:Mrs.Karthikaa Ashok

For Respondent 1

:Mr.J.Ramesh,
Additional Government Pleader

For Respondent 3

:No appearance

For Respondents 4 to 6

:Mr.K.Varadhakamaraj

O R D E R

The award passed by the first respondent/Deputy Commissioner of Labour under the Workmen's Compensation Act, 1923 in W.C.No.99 of 2011 is sought to be quashed.

2. Section 30 of the Workmen's Compensation Act, 1923 provides appeals. Accordingly, on deposit of entire award amount, an appeal is to be filed before the High Court. However, the petitioner has erroneously filed the writ petition, challenging the award passed under the Workmen's Compensation Act, 1923.

3. The learned counsel for the petitioner states that entire award amount in W.C.No.99 of 2011 had already been deposited. However, the learned counsel for the petitioner has to file an appropriate appeal by producing the deposit receipt.

4. In this view of the matter, the writ petition under Article 226 of the Constitution of India cannot be maintained and the writ petitioner is at liberty to file an appropriate appeal under Section 30 of the Workmen's Compensation Act in the manner known to law.

5. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

The Deputy Commissioner of Labour-1,
For Workmen's Compensation,
Teynampet,
Chennai - 600 006.

+1cc to Mr.K.Vardhakamaraj, Advocate, sr.no.29647
+1cc to the Government Pleader, sr.no.30003

W.P.No.9447 of 2014

GMR (CO)
RRK (24/05/18)