

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.2.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1491 of 2017

Pandurangan (Deceased)
Lakshmi

Appellant/Respondents

Versus

1. The District Collector,
Office of the Collectorate,
Villupuram.

2. The Deputy Commissioner of Labour-II,
DMS Compound,
Teynampet, Chennai 600 008.

3. K.Ganesan

4. K.Manokaran
& Petitioners

Respondents/Respondents 1 & 2

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 23.1.2012 passed in W.P.No.23777 of 2009 on the file of this court.

WP.NO.23777/2009: Petition filed under Article 226 of the constitution of India praying to issue a Writ of certiorari calling for the records pertaining to the order passed in WC.NO.190 of 2003 dated 30.11.07 passed by the Second respondent and consequential Order dated 8.6.2009 passed by the First Respondent in Ne.Mu.Ka. G3/31699/08.

For appellant
For RR1 and 2

: Mr.P.Tamilavel
: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
No appearance for R3 &R4

JUDGMENT

(Judgment of the court was made by RMT.TEEKAA RAMAN, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the mother of a Labour, who, according to the appellant, is said to have died during his employment under respondents 3 and 4 herein, due to leakage of electricity.

3. It appears that the appellant herein had filed a writ petition and respondents 3 and 4 herein had also filed a writ petition and both the writ petitions were taken up for disposal and the learned Single Judge, having not satisfied with the way in which the matter was dealt by the Deputy Commissioner of Labour, had remitted the matter back to the Deputy Commissioner of Labour for re-consideration.

4. Learned counsel appearing for the appellant contended that the award passed by the Deputy Commissioner of Labour is not set aside and only what was agitated before the learned Single Judge was recovery proceedings and therefore, the learned Single Judge erred in ordering for re-opening of the entire proceedings.

5. It appears that on perusal of the medical evidence produced viz., post mortem report of the deceased Venkatesan, the Deputy Commissioner of Labour found that the death of the said Venkatesan must be one of natural and it is not due to electricution, as claimed by the appellants and therefore, the learned Single Judge thought it fit to re-open the entire issue and remitted back the matter to the Deputy Commissioner of Labour to consider the same in a fair manner. We do not find any reason to interfere with the same. Accordingly, the writ appeal is dismissed. No costs.

ssk

Sd/-
Assistant Registrar
/TRUE COPY/

Sub-Assistant Registrar

To:

1. The District Collector,
Office of the Collectorate,
Villupuram.
2. The Deputy Commissioner of Labour-II,
DMS Compound,
Teynampet, Chennai 600 008.

+1CC to Mr.P.Tamilavel, Advocate in SR.NO. 7861

+1CC to Government Pleader Advocate SR.NO. 8422

W.A.No.1491 of 2017

SSI [CO]
MLT-27/03/2018



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