

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 10.04.2018****Coram: The Honourable Mr. Justice N. SESHASAYEE****C.R.P(NPD)No.3412 of 2011**

M. Thirugnana Sambandam

...Petitioner

Versus

M/s. Maria Marbles,
Rep. by its Proprietor,
No.1, Vallam Road,
Tanjavur.

...Respondent

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 10.05.2011 passed in I.A.No.119 of 2010 in Unnumbered W.C.No. of 2010 on the file of the Deputy Commissioner of Labour – I for Workmen compensation, Chennai.

For Petitioner
For Respondent

सत्यमेव जयते : Mr.S.Vijayakumar
: No Appearance

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ORDER

1.1. The petitioner claims himself to be a workman under respondent and has suffered some injury while shifting the Marble Stones as per the direction of his employer/respondent. The said injury was happened due to an accident that had taken place at about 02:30 p.m on 07.09.2005. He, however, did not prefer any claim petition seeking compensation from his employer within two years from the said date

of accident as stipulated under Section 10 of the Workmen Compensation Act, 1923. Therefore, the petitioner has filed a petition to condone the delay of 771 days for condoning the delay in filing the petition.

1.2. In his affidavit filed in support of the petition to condone the delay, the Revision Petitioner would aver that soon after the accident he was treated in Thanjavur Medical College Hospital and at that time, his employer has visited him at the Hospital. His employer met the initial medical expenditure and promised compensation for his injury. But, on his discharge from the hospital, the respondent/employer refused to pay the compensation. Therefore, the petitioner has approached the Police and also the Chief Minister's Special Cell for remedy. Ultimately, he came to realise that nothing works in his favour and he was constrained to file a claim petition before the Tribunal.

2. In the counter affidavit filed by the employer, the employer denies the very accident itself. He also denies that the petitioner is not his workmen.

3. The Tribunal has rejected the petitioner's prayer to condone the delay of 771 days on the ground that the petitioner had not adduced any valid reasons.

4. Heard the learned counsel for the petitioner. The respondents though have been served with the Notice of the Civil Revision Petition and their names though have been printed in the cause-list, have not made any appearance.

5. The petition itself is self-explanatory of the cause required for condoning the delay. Here is an ordinary coolie, who in the given circumstances does not appear to have been educated, nor sophisticated enough to have a wider knowledge of his civil rights, had lost two of his fingers in an unfortunate accident while shifting the marble stones. For his remedy, he has approached the Police Station and the Chief Minister's Special Cell which are not uncommon in this Country. Given the general character of the litigant/petitioner and the society he lives in, he approaching the policemen or such other Authority for remedy has to be seen with considerable sympathy and understanding.

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6. Merit of the case apart, this Court is satisfied that the explanation offered for condoning the delay is adequate enough and hence it holds that the Commissioner's rejection in not condoning the delay is not consistent with the spirit of a beneficial statute that the Workmen Compensation Act is.

N. SESHASAYEE, J.,

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7. In the said circumstances, the petition is allowed and the order dated 10.05.2011 passed in I.A.No.119 of 2010 on the file of the Deputy Commissioner of Labour – I for Workmen compensation, Chennai is hereby set aside. The Tribunal is directed to take the claim petition on file and number the same if the papers are otherwise in order as expeditiously as possible. No costs.

10.04.2018

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Index : Yes / No

To

The Deputy Commissioner of Labour – I
for Workmen compensation,
Chennai.

सत्यमेव जयते

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