

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1036 of 2013
and
M.P.No.1 of 2013

Rosemount Tea Factory (Pvt) Ltd.,
Rep. by the Managing Director,
Rousdonmullai Road,
Devala, Gudalur Taluk,
The Nilgiris District.

... Appellant/Petitioner

... Vs ...

1. The State of Tamil Nadu
Rep. by its Commissioner & Secretary to
Government, Revenue Department,
Fort St. George, Chennai - 600 009.
2. The District Collector of Nilgiris,
District Collectorate,
Udhagamandalam, The Nilgiris.
3. The Deputy Commissioner of Workmen Compensation,
Coonoor,
The Nilgiris.

4. Balaiah

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of The Letters Patent,
against the order dated 06.03.2013 passed by this Court in
W.P.No.1187 of 2013.

W.P.No.1187 of 2013:-

Writ petition filed under Article 226 of the Constitution
of India praying for the issuance of a writ of mandamus
directing the 3rd respondents to take up the condone delay
application and set aside application on his file by numbering
the same and pass necessary orders on merits in the above

interlocutory applications filed in W.C.No.22/2005 in RPAD on 10/12/2011, received by the 3rd respondent on 13.12.2011

For Appellant : Mr.S.Saravanan
For RR-1 to 3 : Mr.P.S.Siva Shanmuga Sundaram,
Special Government Pleader
For R-4 : Mr.J.Franklin

JUDGMENT

(Judgment of the Court was delivered by
RMT.TEEKAA RAMAN, J.)

The correctness of the order passed by the learned Single Judge on 06.03.2013 dismissing the writ petition in W.P.No.1187 of 2013 filed by the appellant herein is put in issue in the present writ appeal.

2. The appellant herein had filed the above said writ petition praying for the issuance of a writ of Mandamus directing the third respondent to take up the condone delay application on his file by numbering the same and pass necessary orders on merits in the above interlocutory application filed in W.C.No.22 of 2005 in RPAD on 10.12.2011 received by the third respondent on 13.12.2011.

3. It appears that the appellant herein has sought for a direction to stay the Revenue Recovery Proceedings in respect of the amount which has already been deposited before the third respondent under the Workmen Compensation Act.

4. By an order dated 02.02.2018, we have directed the Special Government Pleader to ascertain from the third respondent as to whether the application filed by the appellant herein to condone the delay in setting aside the ex-parte award is still pending consideration or not and as to whether the amount deposited by the appellant herein pursuant to the earlier round of litigation is disbursed or not.

5. Today when the matter is taken up for hearing, the learned Special Government Pleader appearing for respondents 1 to 3 submitted that the application to condone the delay in setting aside the ex-parte award is still pending with the first respondent authority and the amount which was already deposited is not yet disbursed.

6. Considering the facts and circumstances of the case, without going into the merits of the case, there shall be a direction to the first respondent authority to disburse the ex-parte award amount to the fourth respondent/workman, within a period of eight weeks from the date of receipt of a copy of this judgment in accordance with law.

7. With the above direction, the Writ Appeal shall stand disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Commissioner & Secretary to
Government,
The State of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The District Collector of Nilgiris,
District Collectorate,
Udhagamandalam, The Nilgiris.
3. The Deputy Commissioner of Workmen Compensation,
Coonoor,
The Nilgiris.

+1cc to Mr.J.Franklin, Advocate, S.R.No.10743
+1cc to Mr.S.Saravanan, Advocate, S.R.No.10173
+1cc to the Government Pleader, S.R.No.10630

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NMI (CO)
CS/22/03/18