

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.24257 of 2016

and

WMP No.20729 of 2016

B.S.K.Crusher ..Petitioner

..Vs..

1.Revenue Tahsildar,
Office of the Tahsildar,
Ulundurpettai.

2.Deputy Commissioner of Labour-1,
(Authority under Workmen Compensation Act),
DMS Campus, Chennai.

3.Dhanavel ..Respondents.

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, calling for the records from the 1st respondent relating to the proceedings dt.28.06.2016 bearing reference No.Na.Ka.A4/4206/2016 quash the same.

For Petitioner : Mr.S.Saravana Kumar

For Respondents: Mr.M.Elumalai
Government Advocate for R-1 & R-2

Mr.F.Terry Chella Raja for R-3

ORDER

The order dated 28.06.2016 passed by the 1st respondent in respect of the recovery award of compensation granted to Workmen under the grievances of the Employees Compensation Act, is under challenge.

2.The order dated 28.06.2016 was issued by the Revenue Tahsildar, Ulundurpet for the purpose of recovering the award amount of compensation from the writ petitioner.

3.The writ petitioner has agreed that a compensation was granted by the Competent Authority under the provisions of the Workmen Compensation Act. Thus, the award amount of compensation is to be challenged only under Section 30 of the Employees Compensation Act, by depositing the entire award amount. However, no writ petition can be entertained in respect of the proceedings issued pursuant to the award of compensation under the Workmen Compensation Act.

4.In this view of the matter, it is left open to the writ petitioner to initiate appropriate proceedings under the provisions of the Employees Compensation Act, and the present writ petition filed under Article 226 of the Constitution of India is not maintainable. Thus, the writ petition stands dismissed as non maintainable. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

KP

To

1.Revenue Tahsildar,
Office of the Tahsildar,
Ulundurpettai.

2.Deputy Commissioner of Labour-1,
(Authority under Workmen Compensation Act),
DMS Campus, Chennai.

+1cc to Mr.M.MALAR, Advocate, S.R.No. 31024

W.P.No.24257 of 2016

MR(CO)
TR(14/05/2018)

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