

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.28960 of 2018
WMP.No.33847 of 2018

Jayanthi

.. Petitioner

Vs

1.Valliyammal
2.Sellaeswaran
3.Muralitharan
4.Balu @ Balan

5.The Surveillance Engineer, Tamil Nadu Electricity Board, Erode

6.The Executive Engineer (O&M), Tamil Nadu Electricity Board,
Erode

7.The Junior (O&M), Tamil Nadu Electricity Board, Erode

8.The Deputy Labour Commissioner,
Coonnoor, Nilgiris

... Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned order dated 28.12.2017 made in WC.No.28 of 2015, by the 8th Respondent and TO quash the same, in so far as its direction to the Petitioner to pay the compensation to the Respondents 1 and 2 is concerned.

For Petitioner

:

Mr.R.Thanigai Arasu

ORDER

The learned counsel for the Petitioner has fairly submitted that as against the impugned order, dated 28.12.2017 made in WC.No.28 of 2015, by the 8th Respondent, there is an effective and efficacious alternative remedy of filing an appeal under Section 30 of the Employees Compensation Act, 1923 available to the Petitioner and hence, this Writ Petition may be dismissed, as withdrawn, with a liberty to file an appeal before the appropriate forum.

2. As rightly submitted by the learned counsel for the Petitioner, there is an alternative remedy of filing an appeal as against the impugned order under Section 30 of the Employees Compensation Act, 1923 available to the Petitioner and hence, this Writ Petition, filed as such without exhausting such an alternative remedy, is not maintainable. Accordingly, this Writ Petition is dismissed, as withdrawn. However, it is for the Petitioner to prefer an appeal as against the impugned order, before the appropriate forum, if he is so advised. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Srcm

To

- 1.The Surveillance Engineer, Tamil Nadu Electricity Board, Erode
- 2.The Executive Engineer (O&M), Tamil Nadu Electricity Board, Erode
- 3.The Junior (O&M), Tamil Nadu Electricity Board, Erode
- 4.The Deputy Labour Commissioner, Coonnoor, Nilgiris

+1cc to Mr.R.Thanigai Arasu, Advocate, S.R.No.77028

+1cc to the Government Pleader, S.R.No.77049

WP.No.28960 of 2018

KK(Co)

CS/04/12/2018

सत्यमेव जयते

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