



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2018

WEB COPY

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7836 of 2018 and
W.M.P.(MD)No.7426 of 2018

R.Vellaichamy

: Petitioner

Vs.

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Deputy Commissioner of Labour
(Commissioner for Workmen Compensation),
Tirunelveli, Tirunelveli District.
3. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

4. N.Ambikapathy
5. Sundara Mahalingam

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the impugned order passed by the second respondent in W.C.No.26 of 2010 dated 08.07.2016 and consequential impugned order in W.C.No.26 of 2010 dated 04.03.2017 and quash the same.

For Petitioner : Mr.R.J.Karthick
For Respondents 1 to 3 : Mr.D.Muruganantham
Additional Government Pleader
For Respondent No.4 : Mr.S.S.Thesigan

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Certiorari, calling for the records of the impugned order passed by the second respondent in W.C.No.26 of 2010 dated 08.07.2016 and consequential impugned order in W.C.No.26 of 2010 dated 04.03.2017 and quash the same.

2.Heard Mr.R.J.Karthick, learned Counsel appearing for the petitioner, <https://hcservices.ecourts.gov.in/hcservices/> Mr.S.S.Thesigan, learned Counsel for the fourth respondent and Mr.D.Muruganantham, learned Additional Government



Pleader appearing for the respondents.

3. Since, no adverse orders is passed against the fifth respondent, notice to him is dispensed with.

4. This writ petition was filed challenging the impugned order passed by the second respondent in Workmen Compensation case in W.C.No.26 of 2010 dated 08.07.2016 and consequential impugned order dated 04.03.2017 and to quash the same.

5. Though notice was ordered to the contesting respondent, namely, the fourth respondent and is represented by a Counsel and the official respondents are represented by the learned Additional Government Pleader, today, the learned Counsel for the petitioner has submitted that instead of contesting the case, both the petitioner and the fourth respondent decided to settle the matter amicably. Accordingly, a sum of Rs.2,85,000/- [Rupees Two Lakhs and Eighty Five Thousand only] was paid to the fourth respondent on 08.06.2018. After receipt of the said amount, the fourth respondent has executed a receipt dated 08.06.2018, which is in Tamil and the same has also been filed before this Court.

6. This apart, a joint compromise memo also has been signed both by the petitioner and the fourth respondent and the same is filed before this Court, which reads as follows:

"1. Both the parties submits that the above writ petition is filed for Writ of Certiorari, challenging the impugned order passed by the 2nd respondent in WC No.26 of 2010 dated 08.07.2016 and consequential impugned order in WC No.26 of 2010 dated 04.03.2017.

2. Both the parties submits that the 4th respondent herein filed WC No.26 of 2010 on the file of Deputy Commissioner of Labour (Commissioner for Workmen Compensation), Tirunelveli for the injury sustained in the right eye of the 4th respondent while working in the 5th respondent's quarry on 14.12.2009. The Deputy commissioner of Labour (Commissioner for Workmen Compensation), Tirunelveli by award dated 08.07.2016 directed the petitioner to pay a sum of Rs.1,91,661/- as a compensation to the fourth respondent herein. Challenging the same, present writ petition is filed. On 11.04.2018, this Hon'ble Court was pleased to order notice to the respondents 4 and 5. At this point of time, to put an quietus to the litigation, on 08.06.2018 the petitioner has paid a sum of Rs.2,85,000/- to the 4th respondent to satisfy the award dated 08.07.2016. The same was also received by the 4th respondent herein as a full quit.



3. Both the parties agree that there shall not be any mutual claims between them hereafter."

7. By filing this joint compromise memo as well as the receipt in vernacular given by the fourth respondent, the learned Counsel appearing for the petitioner would submit that, since the matter has been settled out of Court as per the terms of joint compromise memo cited supra, this writ petition can be disposed of by recording the said compromise memo.

8. Since a compromise has been entered into and has been acted upon both by the petitioner as well as the fourth respondent, who is the contesting respondent, in favour of whom only the impugned award has been passed by the Workmen Compensation Commissioner, ie., the official respondent herein and the same has been reduced in writing and a joint compromise memo to that effect since has been filed, both by the petitioner and fourth respondent, by taking into account the said compromise on record, this writ petition is disposed of. The said compromise memo shall form part of this order. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Tirunelveli, Tirunelveli District.
 2. The Deputy Commissioner of Labour
(Commissioner for Workmen Compensation),
Tirunelveli, Tirunelveli District.
 3. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67758
+ 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 67691

MR

TE/SV/SAR-1 : 31/10/2018 : 3P/6C

ORDER MADE IN
W.P. (MD) No. 7836 of 2018
11.06.2018