



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.10248 of 2018

Palaniyammal

: Petitioner

Vs.

1. The Deputy Director,
Employees State Insurance Corporation,
K.K.Nagar, Near Law College,
Melur, Madurai-625 020.
2. The Branch Manager,
Employees State Insurance Corporation,
58 A, Mill Road, Near Municipal Office,
Melur, Madurai-625 106.
3. The General Manager,
Sri Nachammai Cotton Mills Limited,
Chettinad-630 102,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's claim application dated 12.09.2017 within a stipulated time and award compensation.

For Petitioner : Mr.I.Robert Chandrakumar

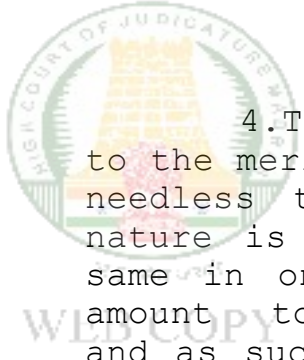
For R1 and R2 : Mr.K.C.Ramalingam

ORDER

Heard Mr.I.Robert Chandrakumar, learned counsel appearing for the petitioner and Mr.K.C.Ramalingam, learned counsel, who takes notice on behalf of the respondents 1 and 2.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.It is the grievance of the petitioner that his claim petition dated 12.09.2017, seeking for compensation has not been considered by the respondents till date and therefore, has filed the present writ petition.



4.This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5.In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's claim petition dated 12.09.2017 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done, after giving due opportunity to one Chitra, in whose name the petitioner's ESI contribution has been wrongly included.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.I.Robert Chandrakumar , Advocate in SR No. 64528

+ 1 cc TO Mr.K.C.Ramalingam , Advocate in SR No. 64539

Myr

AE/SKN RSK/SAR3/24.05.2018/2P/3C

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