

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.09.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1110 of 2018

&

W.M.P.No.1375 of 2018

Er.Deva Constructions & Contractors (P) Ltd.,
1/44, Parvathy Apartments,
Bazaar Road, Mugapair East,
Chennai - 600 037.
Rep by its General Manager

...Petitioner

..Vs..

1. Deputy Commissioner of Labour - II,
Workmen Compensation Commission - II,
Chennai - 600 006.

2. S.Joseph

3. Suresh

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records relating to the award dated 27.12.2013 made in Aa1/5100/2013 passed by the first respondent, quash the same.

For Petitioner : Mr.K.Harikrishnan

For Respondent : Mr.J.Ramesh, AGP (for R.1)
B.Naveen Raja (for R.3)

ORDER

The award dated 27.12.2013 passed by the first respondent granting the compensation of Rs.8,44,608/- in favour of the third respondent under the Workmen Compensation Act is under challenge in the present writ petition.

2.During the course of the argument and ascertaining the permanent disability sustained by the workman, who was present before this Court. This Court also considered and expressed that

the third respondent is entitled for compensation, as he was permanently disabled from working as a liaison/Construction worker. Under these circumstances, the representative of the writ petitioner/management who was present along with the learned counsel for the writ petitioner requested for grant of time, so as to discuss the issues with the petitioner/management and take a decision for payment of compensation to the third respondent, who has suffered injury during the course of construction of multi-storeyed building. After negotiations, the writ petitioner has filed an affidavit on 23.09.2019 stating that the Management will pay the award amount of Rs.8,50,000/- and recover the same from the Contractor. However, recovery of the same from the Contractor is a matter between the writ petitioner and the Contractor, which is connected with the present writ petitioner and not connected with the claim of the third respondent/workman.

3.Further it is stated in the affidavit that the writ petitioner/management undertakes to pay the said amount in three installments and the first installment of Rs.2,00,000/- will be paid on 28.11.2019, the second installment of Rs.3,50,000/- will be paid on 30.01.2020 and the third installment of Rs.3,50,000/- will be paid on 30.04.2020 in favour of the third respondent.

4.It is made clear that the petitioner should not wait for the recovery of the compensation from the Contractor, whether the Contractor is able to pay the compensation or not, the writ petitioner is bound to settle the compensation in favour of the third respondent and recover the same from the Contractor.

5.Accordingly, the writ petitioner is directed to settle the awarded compensation amount of Rs.8,50,000/- in three installments and the first installment of Rs.2,00,000/- will be paid on 28.11.2019, the second installment of Rs.3,50,000/- will be paid on 30.01.2020 and the third installment of Rs.3,50,000/- will be paid on 30.04.2020 in favour of the third respondent/workman.

6.The first respondent is directed not to initiate any coercive action against the writ petitioner. The third respondent shall submit the report before the first respondent regarding the settlement of entire compensation amount on or before 30.04.2020. In the event of submitting a compliance report, then all further actions are directed to be dropped against the the third respondent.

7.In the result, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm

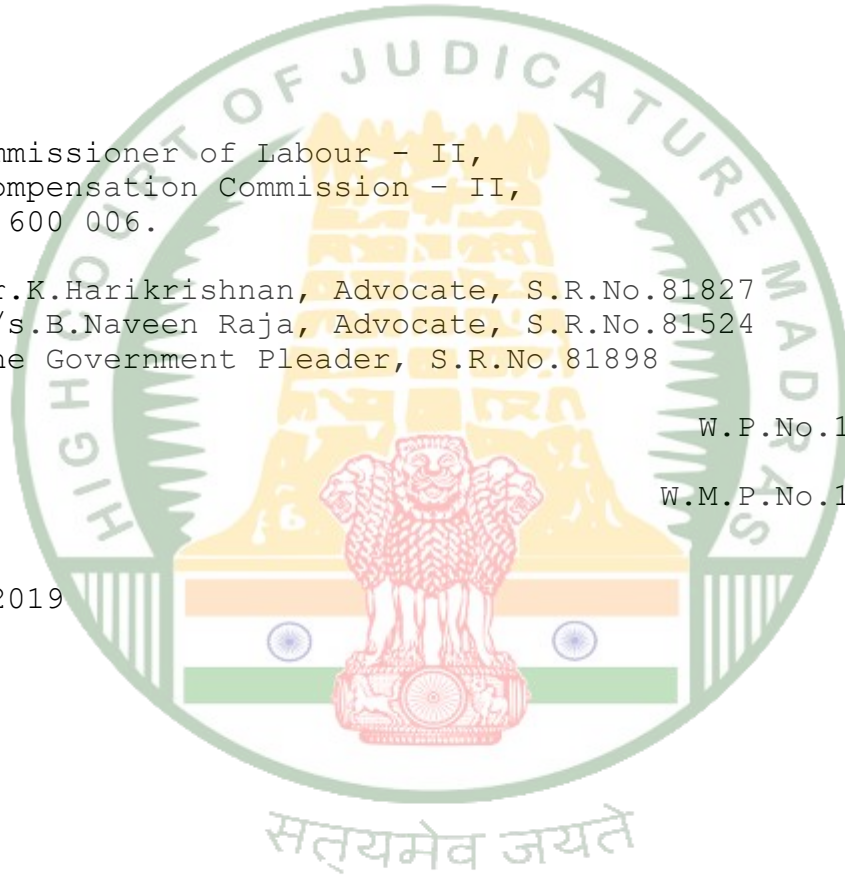
To

Deputy Commissioner of Labour - II,
Workmen Compensation Commission - II,
Chennai - 600 006.

+1cc to Mr.K.Harikrishnan, Advocate, S.R.No.81827
+1cc to M/s.B.Naveen Raja, Advocate, S.R.No.81524
+1cc to the Government Pleader, S.R.No.81898

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NR(CO)
CS/22/10/2019



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