

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. (PD)No.3122 of 2014

M.Rukmani

... Petitioner

Vs.

The Management of
Rajendra Textiles,
Big Bazaar Street,
Coimbatore - 1.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 30.07.2011 made in W.C.I.A. No.14 of 2001 on file of the Deputy Commissioner of Labour, Coimbatore.

For petitioner : Mr.S.Saravanan
For respondent : Ms.M.G.Rajeswari

ORDER

The instant Civil Revision Petition has been filed challenging the order dated 30.07.2001, passed by the Deputy Commissioner of Labour, Coimbatore in W.C. I.A. No.14 of 2001.

Brief facts leading to the filing of the instant Revision Petition

2. The petitioner's son Rajendran, who was employed with the respondent, allegedly died, during the course of his employment in the respondent-Management. Hence, she made a claim against the respondent-Management under the Workmen's Compensation Act. Under the Workmen's Compensation Act, any claim for compensation will have to be filed, within a period of two years from the date of the said accident. There was a delay in filing the claim and W.C. I.A. No.14 of 2001 was filed by the petitioner, who is the deceased mother under the Workmen's Compensation Act before the Commissioner (Deputy Commissioner of Labour, Coimbatore) seeking a compensation of Rs.3,35,000/- and also a penalty of 50% of the compensation amount from the respondent with the delay of 340 days. A counter affidavit was also filed by the respondent in the delay application viz. W.C. I.A. No.14 of 2001. The reasons given in the affidavit filed in support of W.C. I.A. No.14 of 2001 is that the petitioner is an illiterate lady and therefore, she did not know the period of limitation for filing a claim, which resulted in a delay of 340 days in filing the claim. However, the said reasons given by the petitioner for filing the claim with the delay was disputed by the respondent before the Deputy Commissioner of Labour, Coimbatore.

3. By order, dated 30.07.2001, the Deputy Commissioner of

Labour, Coimbatore, dismissed W.C. I.A. No.14 of 2001 filed by the petitioner on the ground that no sufficient reasons have been given by the petitioner for condoning the delay of 340 days. Aggrieved by the dismissal of W.C. I.A.No.14 of 2001, the instant Civil Revision Petition has been filed under Article 227 of the Constitution of India.

4. Heard Mr.S.Saravanan, learned counsel for the petitioner and Ms.M.G. Rajeswari, learned counsel for the respondent.

5. In the affidavit filed in support of W.C. I.A. No.14 of 2001 to condone the delay of 340 days in filing the claim, the petitioner has pleaded that she is the mother of the deceased and she is an illiterate woman from a hamlet and does not know how to proceed further for making a claim against the respondent for the death caused to her son, during the course of his employment with the respondent. The Workmen's Compensation Act is a beneficial and benevolent legislation to protect the interest of the workmen. The Deputy Commissioner of Labour under the impugned order has dismissed the application on the ground that sufficient reasons have not been given by the petitioner for condoning the delay of 340 days. As observed earlier, the petitioner has averred that she is an illiterate lady and she comes from

a village and the said fact has not been disputed by the respondent, as seen from the counter statement filed by them, before the Deputy Commissioner of Labour, Coimbatore.

6. The delay applications filed under the Workmen's Compensation Act that too, in this case, by a mother of the deceased workman cannot be treated on par with the condone delay applications filed in a normal suit. While dealing with the condone delay applications filed by a workman under the benevolent legislation, the Courts will have to be liberal.

7. In the instant case, under the impugned order, the Deputy Commissioner of Labour, Coimbatore has not considered this aspect and has dismissed the application. Further, the death of the petitioner's son and his employment with the respondent has also not been disputed, as seen from the counter affidavit filed by the respondent before the Deputy Commissioner of Labour, Coimbatore.

8. Considering all these factors, this Court is of the considered view that the Deputy Commissioner of Labour, Coimbatore, ought to

have allowed the condone delay application to enable the petitioner to prosecute the claim against the respondent for her son's death during the course of his employment with the respondent.

9. The learned counsel for the respondent has also submitted before this Court that the respondent-Management has been dissolved and to that effect a memo, dated 21.06.2019 has also been filed before this Court. However, in view of the fact that this Court is dealing with a condone delay application, the said submission made by the learned counsel for the respondent is immaterial for the purpose of deciding this revision.

10. For the foregoing reasons, the impugned order, dated 30.07.2001 is hereby set aside and the Civil Revision Petition is allowed and the Deputy commissioner of Labour, Coimbatore is directed to number the claim petition already filed by the petitioner and to proceed with the case and pass appropriate orders after hearing the respondent in accordance with law. No costs.

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01.07.2019

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Internet : Yes/No
Speaking Order/Non-speaking Order
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ABDUL QUDDHOSE, J.

vsi2

To
The Deputy Commissioner of Labour,
Coimbatore.



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