

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

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THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD).No.3495 of 2013

and

M.P.No.1 of 2013

1.Shanti
2.K.Devan

.. Petitioners/Applicants

Vs.

1.The Deputy Commissioner of Labour – I
DMS, Anna Salai,
Chennai – 600 006.

.. 1st Respondent

2.M/s.Continental Engines Limited,
Represented by its Foundry Division,
SP 312, RIICO Industrial Area Phase – I,
Bhiwadi, Alwar District,
Rajasthan – 301 019.

.. 2nd Respondent/
Opposite Party

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order in I.A.No.120 of 2012 in W.C.No.136 of 2010, dated 25.07.2013, on the file of the Deputy Commissioner of labour – I, Chennai.

For Petitioners : Mr.K.Mohanamurali

For R1 : Mr.S.Jaganathan
Government Advocate

For R2 : No appearance

ORDER

This Civil Revision Petition has been filed against the order passed by the Deputy Commissioner of labour – I, Chennai, in I.A.No.120 of 2012 in W.C.No.136 of 2010, dated 25.07.2013.

2 The learned counsel for the petitioner would submit that the first respondent herein/Deputy Commissioner of Labour-I, has passed a dismissal order in WP.No.136 of 2010, on the ground that the deceased viz., D.Kumar was covered under ESI (Employee's State Insurance) Scheme and based upon the memo filed by the employer, the first respondent/Deputy Commissioner of Labour-I has dismissed the Workmen Compensation Claim.

3 Heard Mr.K.Mohanamurali, learned counsel for the petitioners and Mr.S.Jaganathan, learned Government Advocate, for the first respondent herein.

4 On a perusal of the records, it appears that as this Court has entertained suspect over the memo filed by the employer regarding the alleged coverage of the employee under ESI Scheme, has directed the learned Government Advocate appearing for the first respondent/Deputy Commissioner of Labour-I to furnish the

correct ESI number, in respect of D.Kumar, filed before the Workmen Compensation Tribunal. Therefore, learned Government Advocate has communicated the Employees' State Insurance Corporation through the Labour Joint Commissioner – 1.

5 Today (21.02.2020), when the matter is taken up, ESI Commissioner has stated that ESI number mentioned there is wrong and it does not relating to the ESI policy copy furnished by D.Kumar and hence, in this view of the matter, I find that the order passed by the Deputy Commissioner Labour-I suffered from material irregularities and also a fraud has been committed upon the respondent's employee/deceased person by showing a ESI number, which is not relating to the deceased D.Kumar.

6 Accordingly, the impugned order passed in I.A.No.120 of 2012 by the Deputy Commissioner of labour – I, Chennai, is set aside and the matter is remitted back to the Deputy Commissioner of Labour-I/first respondent herein, to dispose of the case within a period of sixty days from the date of receipt of a copy of this order and also the Deputy Commissioner of Labour is hereby required to take necessary action for filing false information and statistics regarding deceased employee with the Quasi Judicial

RMT.TEEKAA RAMAN., J.

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Authority and any action taken in support of the action report shall be submitted on the administration side.

7 With the above directions, the Civil Revision Petition stands dismissed and the order passed by the Deputy Commissioner of labour-I, Chennai, I.A.No.120 of 2012 in W.C.No.136 of 2010, dated 25.07.2013, is hereby set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

21.02.2020

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Speaking Order: Yes/No
To

The Deputy Commissioner of labour – I,
Chennai.

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