



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.36125 of 2004

K.Anandan
S/o. Krishnan,
Prop: S.K.Electricals,
No.83/2, Gowdia Mutt Road,
Royapettah, Chennai - 14.

... Petitioner

vs.

1. E.Pavunammal
2. The Commissioner,
Workmen Compensation Act,
Deputy Commissioner of Labour-I,
Chennai - 600 006.
3. The Tahsildar,
Mylapore-Triplicane Taluk,
Chennai 600 028.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records in W.C.No.160 of 2000, dated 12.05.2004 on the file of the 2nd Respondent, and quash the same as illegal and direct the 2nd Respondent to hold a fresh enquiry after giving opportunity to the Petitioner.

For Petitioner	:	Mr.R.Sankarasubbu
For 1 st Respondent	:	Dismissed vide order dt. 30.09.2011
For 2 nd Respondent	:	No appearance
For 3 rd Respondent	:	Mr.V.P.R.Elamparthi, Government Advocate

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the order dated 12.05.2004 passed in W.C.No.160 of 2000 and for a direction to the 2nd Respondent to hold a fresh enquiry after giving him an opportunity.



2. Heard the learned counsel for the Petitioner and the learned Government Advocate appearing for the 3rd Respondent.

3. It is seen that, the employer has filed I.A.No.130 of 2002 to set aside the order, which was rejected and the original order dated 12.03.2001 passed by the Authority under the Workmen's Compensation Act, 1923 (in short 'W.C. Act, 1923'), has been confirmed. In all fairness, the employer should have deposited the amount together with interest and preferred an Appeal, challenging the original order dated 12.03.2001 passed by the Authority and also the subsequent order dated 12.05.2004, by way of Civil Miscellaneous Appeal in terms of W.C. Act, 1923, as the original order got merged with the subsequent order and the same has been affirmed. Instead of doing so, the Petitioner has come up with this Writ Petition, bypassing the remedy available under the W.C. Act, 1923, which is not appreciable. Hence, this Court is not inclined to entertain this Writ Petition.

4. However, this will not preclude the Petitioner from filing an Appeal challenging the orders dated 12.03.2001 and 12.05.2004 before the Appellate forum, after depositing the amount together with interest as contemplated under the W.C. Act, 1923, and the period during which, the Writ Petition is pending, has to be excluded for the purpose of computing limitation.

5. The Writ Petition is dismissed with the above observation. No costs. Consequently, connected W.P.M.P.No.43450 of 2004 is closed.

6. Registry is directed to return the original order filed in this Writ Petition to the Petitioner, in order to enable him to prefer an Appeal challenging the order dated 12.03.2001 and the order dated 12.05.2004.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Commissioner,
Workmen Compensation Act,
Deputy Commissioner of Labour-I,
Chennai - 600 006.



2. The Tahsildar,
Mylapore-Triplicane Taluk,
Chennai 600 028.

WEB COPY

Copy to:
The Section Officer,
ER Section, High Court, Madras.

W.P.No.36125 of 2004

CA(CO)
A.SK(19.08.2021)