

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(NPD). Nos.1846 & 1847 of 2021
and C.M.P.Nos. 14384, 14385 & 14392 of 2021
(Through Video Conference)

M. Balan

...Petitioner in both C.R.P's

Versus

1. A.Shanmugam

2. Sellammal

3. Lakshmi

4. Minor Ashok Kumar

5. Minor Gayathri

...Respondents in both C.R.P's

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the impugned order in I.ASr.No.2162 of 2020 in E.C.No.416 of 2008 dated 18.06.2020 and 22.01.2021 respectively passed by the Hon'ble Commissioner Under Employees Compensation Act / Hon'ble Deputy Commissioner of Labour, Salem.

In both cases:

For Petitioner : Mr.A.Devasigamani

COMMON ORDER

Since the issue involved in both these Civil Revision Petitions are one and the same, they are disposed of by this common order.

2. These Civil Revision Petitions are filed to set aside the impugned order in I.A.Sr.No.2162 of 2020 in E.C.No.416 of 2008 dated 18.06.2020 and 22.01.2021 respectively passed by the Hon'ble Commissioner Under Employees Compensation Act / Hon'ble Deputy Commissioner of Labour, Salem.

3. The learned counsel for the petitioner submitted that the petitioner filed a petition for setting aside the ex-parte order passed against the petitioner in E.C.No.416 of 2008 on 30.08.2015. I.A.Sr.No.64/2020 was filed to condone the delay of 1546 days in filing the ex- parte order set aside petition. Both these petitions have been returned by the learned Deputy Commissioner Labour Court, Salem, for the reason that as per the order passed, the compensation amount was not paid and therefore, the District Collector, Coimbatore has initiated the steps for realizing the amount under the Revenue Recovery Act. On this reason, these petitions were returned.

4. The grievance of the learned counsel for the petitioner is that the

respondents cannot make such a return. Therefore, the present Civil Revision Petition has been filed against the order of return made in the petition to condone the delay and the petition to set aside the ex parte order.

5. Considered the submissions made by the learned counsel for the petitioner and perused the records.

6. The petition to condone the delay of 1546 days in filing the petition to set aside the ex parte order and the petition to set aside the ex parte order have been returned by the learned Deputy Commissioner Labour Court, Salem, on the reason that steps have been taken for the recovery of the compensation amount under the Revenue Recovery Act. It is his duty to either number these applications, if these applications are in accordance with law. If these applications are not in accordance with law, he is empowered to reject these applications. Returning the petitions is not a solution for the issue before him. Therefore, the return made in I.ASr.No.2162 of 2020 in E.C.No.416 of 2008 dated 18.06.2020 and 22.01.2021 is set aside and the learned Deputy Commissioner, Labour Court, Salem is either directed to number these applications, if it is legally maintainable or reject the applications, if it cannot be maintainable. In either case, he is directed to dispose the application on merits and in accordance with the law.

G.CHANDRASEKHARAN, J.,

sts/jai

7. It is also made clear that the original impugned order is directed to be returned to the petitioner for being filed before the learned Deputy Commissioner , Labour Court, Salem.

8. With these directions, these **Civil Revision Petitions are Disposed of.**
No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2021

Index: Yes/ No
Speaking Order / Non-Speaking Order

sts/jai

To:

The Deputy Commissioner,
Labour Court,
Salem.

सत्यमेव जयते

Common Order made in
C.R.P.(NPD). Nos.1846 and 1847 of 2021

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