



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6075 of 2017

1.S.Selvaraj
S/o.Sengodan,
Gandhipuram, Senthamangalam Post,
Namakkal district.

... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
Salem Region Salem.

2.Thiru. S.Mani
S/o.Subramani,
No.120-A Akkiyampatti, Akkiyampatti Post,
Senthamangalam Taluk, Namakkal District.

3.The Divisional Manager
United India Insurance Company Ltd.
Divisional Office-I Peramanur Road,
Peramanur, Salem 636 007.

... Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the entire records pertaining to the order the Deputy Commissioner of Labour Salem the 1st respondent herein vide his proceedings No. Aa2/ 1370 /17 dated 15.02.2017 and quash the same as illegal, arbitrary and unreasonable being violative of rules and principles of natural justice and thereby direct the 1st respondent to entertain the petitioner's claim petition and proceed in accordance with law and dispose of the case.

For Petitioner : Mr.A.R.Suresh

For Respondent No.1 : Mr.S.Arumugam,
Govt. Advocate

Respondent No.2 & 3 : No appearance



O R D E R

By placing reliance on Section 21 of Workman Compensation Act, the Presiding Officer under the Workman Compensation Act, had returned the petitioner's claim petition stating that the concerned Commissioner did not hold jurisdiction over the case since the accident did not take place within his jurisdiction; the Workman/dependant did not ordinarily reside within his jurisdiction; or employer have registered office therein.

2. The learned counsel appearing for the petitioner placed reliance on the decision of the Hon'ble Supreme Court in *Malati Sardar vs. National Insurance Co. Ltd. & others* [2016 (3) CTC 332] and submitted that the authority under the Act would hold jurisdiction even from the place where the Insurance Company is situated.

3. As rightly pointed out by the learned counsel appearing for the petitioner, the Hon'ble Supreme Court in *Malati Sardar* case *supra*, had taken note of the object of such beneficial legislation, expanded the scope of claims, to include the jurisdiction of the authorities where the Insurance Company was situated. The relevant portion of the order reads as follows:

'14. The provision in question, in the present case, is a benevolent provision for the victims of accidents of negligent driving. The provision for territorial jurisdiction has to be interpreted consistent with the object of facilitating remedies for the victims of accidents. Hyper technical approach in such matters can hardly be appreciated. There is no bar to a claim petition being filed at a place where the insurance company, which is the main contesting parties in such cases, has its business. In such cases, there is no prejudice to any party. There is no failure of justice. Moreover, in view of categorical decision of this Court in *Mantoo Sarkar* (*supra*), contrary view taken by the High Court cannot be sustained. The High Court failed to notice the provision of Section 21 C.P.C.

4. In the instant case, the injured was insured under the third respondent Insurance Company and by applying the ratio laid down in *Malati Sardar* case *supra*, it can be said that the claim petition made before the authority who had jurisdiction over the place where the Insurance Company is situated, would



have jurisdiction to entertain the claim petition. In other words, Rule 21 of the Workman Compensation Act, as well as Rule 3 of Workman Compensation Act, 1996 would mean to include and maintain an application under Section 19 and 22 of the Act, when such an application is made before the authority who has jurisdiction over the place where the Insurance Company is situated.

5. At this juncture, it is brought to the notice of this Court that subsequent to the filing of the present writ petition, the petitioner's claim was entertained by the authority and an award was also passed. As such, no effective orders can be passed on the grounds raised in the present writ petition.

6. Accordingly, the writ petition stands closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Labour,
Salem Region,
Salem.

2.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office-I, Peramanur Road,
Peramanur, Salem 636 007.

+1cc to M/s.A.R.Suresh, Advocate Sr No.53735
+1cc to the Government Pleader Sr No.53902

W.P.No.6075 of 2017

PMK (CO)
PR (17/11/2021)