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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMP.(MD)No.1325 of 2021
in CMA.(MD)SR.No.8228 of 2018

The Manager,
Sri Ram General Insurance Company Limited,
66, City Centre, 2nd Floor,
Near Vaani Mahal,
Thirumalai Pillai Road,
T.Nagar, Chennai-17. ... Petitioner

vs.

1.K.Murugan
2.Karupputhai
3.P.Kavitha
4.Minor P.Yogesh Pandian
5.Minor P.Karthikeyan
6.R.Saravanan
7.S.Rajesh Kannan ... Respondents

Prayer in CMP(MD)No.1325 of 2021: Petition filed under Order IV Rule 9 (4) of A.S.Rules, to condone the delay of 745 days in representing the above C.M.A.(MD)SR.No.8228 of 2018.

Prayer in CMA(MD)SR.No.8228 of 2018 : Appeal filed under Section 30 (i) of the Workmen's Compensation Act, 1923, to set aside the award passed by the learned Workmen's Compensation Commissioner-cum-Deputy Commissioner of Labour, Dindigul in W.C.No.93 of 2014, dated 29.11.2017.

For Petitioner : Mr.D.Sivaraman

ORDER

The present petition has been filed to condone the delay of 745 days in representing the appeal.

2.As regards the delay, the learned counsel for the petitioner would state that appeal was originally filed on 26.02.2018 and the same was returned by the Registry for compliance of certain defects on 28.02.2018. The above defects have been complied with and due to the delay caused in getting sanction from the Finance Committee to deposit the award amount and due to some administrative reasons,

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there was a delay in getting necessary documents such as deposit receipt, the papers could not be re-presented in time. Therefore, there was a delay of 745 days in re-presenting the above appeal and the above delay occurred which is neither wilful nor wanton and the petitioner/Insurance Company has good grounds on merits. Thus, he would pray to condone the delay.

3.In **State of Bihar vs. Deo Kumar Singh (SLP(Civil) No.13348/2019 dated 09.05.2019,** the appeal was filed with the delay of 728 days stating that the delay occurred in obtaining all the sanctions from the respective departments and also in receiving the affidavit and vakalathnama from the concerned department. The Hon'ble Supreme Court in the said case, has held that a clear signal has to sent to the Government Authorities that they cannot approach the Court as and when they please on account of gross incompetence of their officers and that too without taking any action against the concerned officers. Ultimately, in the said case, the Apex Court while declining to condone the delay of 728 days in filing the appeal, imposed the cost of Rs.20,000/- to be recovered from the officers responsible for that delay and be deposited to the Mediation Centre of the Supreme Court within four weeks.

4.In the present case also, the delay is stated to have been occurred in allotment of fund for filing the appeal. In view of the above judgment of the Apex Court, such kind of reasons cannot be termed as sufficient reasons to condone the delay. Therefore, this Court is not inclined to condone the delay of 745 days in filing the appeal.

5.Accordingly, CMP(MD)No.1325 of 2021 is dismissed. Consequently, CMA(MD)SR.No.8228 of 2018 is rejected.

Sd/-

Assistant Registrar(CS-I)

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/ /2021

Sub Assistant Registrar(CS)

gns

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To

The Workmen's Compensation Commissioner
cum-Deputy Commissioner of Labour, Dindigul

+1cc to Mr.D.Sivaraman, Advocate Sr.No.6365

CMP.(MD)No.1325 of 2021
in CMA.(MD)SR.No.8228 of 2018

19.02.2021

NR 16.03.2021/3P/3C

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