



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P. (MD) No.2169 of 2016
and
W.M.P (MD) No.18365 of 2017

C.Singaram

... Petitioner

Vs.

1.The Commissioner,
Office of Commissioner for
Workmen's Compensation
Tiruchirappalli.

2.Mohammed Sulthan (Govt. Contractor)
Vazhamangalam
Kulathoor Taluk,
Pudukkottai District.

3.Nepoleon

4.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Marthandapuram,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records pertaining to the proceedings of the 1st respondent in Ve.E.E.Ma.No.121 of 2013 dated 20.05.2013 in W.C. No. 28 of 2008 and quash the same.

For Petitioner : Mr. R.Balakrishnan
for M/s. K.N.Govardhanan

For Respondents: Mr. R.Murugan (for R1)
Additional Government Pleader
No appearance (For R2 to R4)



ORDER

(through video conference)

Heard Mr. R.Balakrishnan, Learned Counsel for the Petitioner, Mr. R.Murugan, Learned Additional Government Pleader appearing for the First Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Second to Fourth Respondents have been served, there is no representation on their behalf during the previous hearings as well as today.

3. According to the Petitioner, he had been employed by the Second Respondent, viz., Mohammed Sulthan, to carry out the masonry works in the construction of overhead tank at Cholagampatti in Gandarvakottai Taluk in Pudukkottai District on 14.02.2007 when he had sustained injuries in an accident that had occurred there. He made a claim for compensation under the Employees Compensation Act, 1923 in W.C.No.28 of 2008 against the Second Respondent before the First Respondent. In the course of evidence, it had come to light that the said construction was for the Fourth Respondent, viz., Tamil Nadu Water Supply and Drainage Board, who had entrusted the contract for that work to the Third Respondent, viz., Napoleon, who had an arrangement with the Second Respondent to supply labour and had sent the Petitioner for that work. In that backdrop, the Petitioner had made an application before the First Respondent to implead the Third and Fourth Respondents as parties to the claim petition, which was rejected by order dated 20.05.2013, and the Petitioner challenges the same in this Writ Petition.

4. Though it is accepted by the First Respondent in the impugned order that the witness of the Fourth Respondent has stated in his deposition that the construction work was carried out for the Fourth Respondent through the Third Respondent, the request made for impleading them as parties in the claim petition has been denied by fallacious reasoning that the official of the Fourth Respondent had already been examined as witness. The Third and Fourth Respondents are certainly necessary parties to the claim petition to fasten liability on them in terms of the provisions of the Employees Compensation Act, 1923, and all *inter se* disputes between the Second to Fourth Respondents would also have to be adjudicated in the said proceedings. As such, it is not possible to sustain the impugned order dated 20.05.2013 passed by the First Respondent and the same is set aside with a direction to the First Respondent to implead the Third and Fourth Respondents as parties to the claim made by the Petitioner in W.C.No.28 of 2008 filed by him.

5. After issuing notice for appearance to the Petitioner, Second,

<https://hcservices.ecourts.gov.in/hcservices/>



Third and Fourth Respondents, it shall be incumbent upon the First Respondent to conduct enquiry affording full opportunity of personal hearing to all parties following the prescribed procedure in consonance with the principles of natural justice, deal with each of the contentions raised and pass reasoned orders on merits in accordance with law and communicate the decision taken to them under written acknowledgment. It shall be ensured that there is atleast one effective hearing every week showing progress of the case. A report of compliance in this regard shall be filed by 31.10.2021 before the Registrar (Judicial) of this Court. Though obvious, it is made clear that no view has been expressed by this Court on the correctness or otherwise on the rival contentions of the parties.

6. In the result, this Writ Petition is ordered on the aforesaid terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

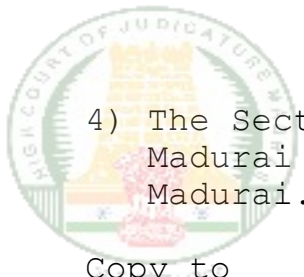
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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner,
Office of Commissioner for
Workmen's Compensation
Tiruchirappalli.
- 2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Marthandapuram,
Pudukkottai District.
- 3)The Registrar(Judl.)
Madurai Bench of Madras High Court,
Madurai.



4) The Section Officer, Writ Section,
Madurai Bench of Madras High Court,
Madurai.

Copy to

1.C.Singaram

S/o.Chinnathambi
Araiypatti,
Alangudi Taluk,
Pudukkottai District.

2.Mohammed Sulthan (Govt. Contractor),
Vazhamangalam,
Kulathoor Taluk,
Pudukkottai District.

3.Nepoleon,
S/o. Kalidas,
Isaikudi Illam,
No.94, Poonga Nagar,
Pudukkottai.

+1 CC to M/s.K.N.GOVARDHANAN, Advocate (SR-17461[F] dated 26/04/2021)

+1 CC to M/s.SPL GP (SR-17715[F] dated 27/04/2021)

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and
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CN(16.06.2021) 4P 10C