



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.(MD) No.869 of 2017

and

C.M.P.(MD) No.3838 of 2017

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Veeramani Biscuit Company,
Through its Managing Director,
Jebamani Nadar,
Guram Guda Village, Injappar Post,
R.R.District, Hyderabad,
Andra Pradesh.

.. Petitioner/Respondent/
Respondent

-vs-

1.P.Subramanian
2.S.Rajadurai
3.S.Chitra

.. Respondents/Petitioners/
Petitioners

Prayer :- Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.33 of 2014 and I.A.No.22 of 2016 in W.C.No.17 of 2012 dated 31.01.2017 on the file of the Assistant Commissioner of Labour, Tirunelveli.

For Petitioner : Mr.P.Balamurugan
For Respondents : Mr.Ananth C.Rajesh

ORDER

The respondent, in a Workmen Compensation Petition, is the revision petitioner before this Court challenging the order passed by the Assistant Commissioner of Labour (Workmen's Compensation), Tirunelveli, in condoning the delay and restoring the claim petition, which was dismissed for default on 25.08.2014.

2.The brief facts are as follows:-

2.1.The 1st respondent herein is the husband of one Vijaya (deceased) and respondents 2 and 3 are her children. The said Vijaya was in the employment of the petitioner herein and in the course of her employment, she had met with an accident, which resulted in her death. Therefore, the respondents herein had filed W.C.No.17 of 2012 on the file of the Deputy Commissioner of Labour (Workmen's Compensation), Tirunelveli. The main claim petition was posted for enquiry on 25.08.2014. However, since the 1st respondent was suffering from Jaundice, he was unable to appear on 25.08.2014.



3.The 1st respondent in the affidavit filed in support of the impugned applications had stated that he was not in a position to inform his counsel about his illness and therefore, the authority had dismissed the claim petition for default.

4.The petitioner herein had filed a counter *inter alia* denying the contents of the affidavit filed in support of the impugned applications and stating that the very claim petition itself was not maintainable, since the death of Vijaya was not caused out of any accident, but was a natural one and the attempt of the respondents was only to grab some money.

5.The Assistant Commissioner of Labour (Workmen's Compensation), Tirunelveli, after hearing the parties, was pleased to allow the said applications and aggrieved by the same, the petitioner is before this Court.

6.Heard the learned counsel on both sides.

7.The main claim petition is one claiming compensation for the death of the wife of the 1st respondent and mother of respondents 2 and 3, who had died while in the service of the petitioner in an accident, which was a direct result of her employment. The petitioner herein would deny the same and would contend that the death was a natural one.

8.This Court is of the opinion that these issues can be tried only if the parties get into the box and adduce evidence to that effect. That apart, the delay is insignificant and sufficient reasons have been given for the same. The authority below has rightly allowed the said applications and I do not find any reason to overturn the said reason. Consequently, the Civil Revision Petition fails and is dismissed. The proceedings before the Deputy Commissioner of Labour (Workmen's Compensation), Tirunelveli, in W.C.No.17 of 2012 shall be disposed of within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

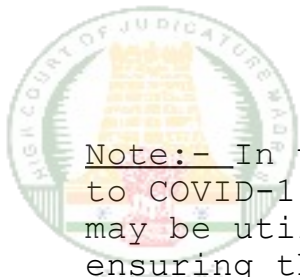
Assistant Registrar (AE)

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/ /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 Deputy Commissioner of Labour
(Workmen's Compensation), Tirunelveli.

2.The Assistant Commissioner of Labour
(Workmen's Compensation), Tirunelveli.

+1 CC to M/s.ANANTH C RAJESH, Advocate
(SR-37689[F] dated 07/12/2021)

C.R.P.(PD) (MD) No.869 of 2017

Dated: 07.12.2021

USK (23.12.2021) 3P 4C