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Writ Petition No.38221 of 2015, etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 2/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.38221 of 2015
Civil Revision Petition (NPD) No.1402 of 2011
Cont.P.No.2175 of 2015
a n d
M.P.Nos.1 of 2011 and 1 of 2015

W.P.No.38221 of 2015

V. Mani

...

Petitioner

Vs

1. The Commissioner – II
Deputy Commissioner – I
(Workmen Compensation)
O/o Commissioner of Labour
Chennai 6.

2. Chitra

3. The Tahsildar
Vellore Taluk, Vellore
Vellore District.

...

Respondents

PRAYER in W.P.No.38221 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the entire records relating to the impugned order passed by the third



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respondent in Form No.1 – Section 3 – District Order dated 14/11/2015 and
quash the same.

For petitioner ... Mr.C.Prakasam

For respondents ... R .1 – Court

Mr.Raja Ravivarma
for R.2.

Mr.G.Nanmaran
Special Government Pleader
for R.3

* * *

C.R.P.(NPD) No.1402 of 2011

V. Mani ... Petitioner

Vs

1. The Commissioner – II
Deputy Commissioner – I
(Workmen Compensation)
O/o Commissioner of Labour
Chennai 6.

2. Chitra ... Respondents

PRAYER in C.R.P.(NPD) No.1402 of 2011: Petition filed under Article
227 of the Constitution of India against the order dated 17/8/2010 passed in
I.A.No.89 of 2010 in W.C.No.18 of 2005 on the file of the Workmen



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Compensation Commissioner – I, Chennai 6 for rejecting the condone delay petition filed for set aside the ex parte order passed in W.C.No.18 of 2005, dated 1/8/2008.

For petitioner	...	Mr.C.Prakasam
For respondents	...	R 1 - Court
		Mr.S.Raja Ravivarama for R.2

* * *

Cont.P.No.2175 of 2015

Chitra	...	Petitioner
	Vs	

1. R. Nandha Gopal

2. K.Manivannan

3. K. Vijayan

4. Mani	...	Respondents
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PRAYER in Cont.P.No.2175 of 2015: Petition filed under Section 11 of Contempt of Courts Act, to punish the respondents for their willful and intentional disobedience of the order of this Court in W.P.No.13197 of 2015, vide, order, dated 29/4/2015.



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For Petitioner ... Mr.S.Raja Ravivarma
For respondents ... Mr.C. Prakasam
for R.4.

COMMON ORDER

Writ Petition No.38221 of 2015 has been filed to quash the order dated 14/11/2015, passed by the third respondent in Form No.1 – Section 3 – District Order.

2. **Civil Revision Petition (NPD) No.1402 of 2011** has been filed against the order dated 17/8/2010 passed in I.A.No.89 of 2010 in W.C.No.18 of 2005 on the file of the Workmen Compensation Commissioner – I, Chennai 6 for rejecting the condone delay petition filed for set aside the ex parte order passed in W.C.No.18 of 2005, dated 1/8/2008.

3. **Contempt Petition No.2175 of 2015** has been filed to punish the respondents for their willful and intentional disobedience of the order of this Court in W.P.No.13197 of 2015, vide, order, dated 29/4/2015.

4. The brief facts leading to the disposal of these petitions are as follows:-



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The second respondent in C.R.P., was working under the writ petitioner/V.Mani, in a crusher unit. She met with an accident, as a result, she suffered grievous injuries and therefore, claim has been made under the Workmen Compensation Act.

5. The Commissioner – I/Deputy Commissioner – I (Workmen Compensation)/first respondent, passed an ex parte order, directing the petitioner to pay the compensation to the tune of Rs.3,77,000/-, together with interest from the date of filing of petition, i.e., from 2006.

6. The petitioner filed a petition for setting aside the ex parte order along with petition to condone the delay. First respondent rejected the application to condone the delay. Against which, the petitioner had filed C.R.P.(NPD) No.1402 of 2011. During the pendency of the proceedings, action has been initiated to recover the amount under Revenue Recovery Act, which has been challenged in the writ petition.

7. Heard the learned counsel appearing on either side and perused the materials available on record.



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8. When the matters posted before this Court, learned counsel appearing on either side submitted that the parties are interested to give a coitus to the entire lis.

9. Accordingly, the petitioner has agreed to pay Rs.7,00,000/- (Rupees Seven lakhs only) in full quit which has been agreed by the second respondent. In pursuant to the said submissions, a sum of Rs.3,22,000/- (Rupees Three lakhs Twenty Two thousand only) has been transferred to the account of the second respondent through RTGS which has been acknowledged by the second respondent. To substantiate his case, he produced a copy of the counter foil of the transaction.

10. It is also admitted by both sides that at the time of admission, a sum of Rs.50,000/- (Rupees Fifty thousand only) was ordered to be deposited and the same was deposited. Whereas the learned counsel appearing for the second respondent submitted that only Rs.30,000/- (Rupees Thirty thousand only) was deposited. Hence, petitioner is directed to pay the balance amount of Rs.3,48,000/- (Rupees Three lakhs Forty Eight thousand only), within a period of one week, from the date of receipt of a



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copy of this order. It is made clear that if the amount of Rs.50,000/- is already deposited, the petitioner shall pay a sum of Rs.3,28,000/- (Rupees Three lakhs and Twenty eight thousand only) in total. Failure to pay the aforesaid amount, within the stipulated time, the said amount will carry the interest, at the rate of 12% p.a.

11. With the above directions, Civil Revision Petition and Writ Petition are disposed of. Contempt Petition is closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

2/12/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.

To

1. The Tahsildar
Vellore Taluk, Vellore
Vellore District.



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N. SATHISH KUMAR, J

mvs.

Writ Petition No.38221 of 2015
Civil Revision Petition (NPD) No.1402 of 2011
Cont.P.No.2175 of 2015

2/12/2022