



WEB COPY



W.P.No.18037 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.18037 of 2018

Totalcomm Infra Services (P) Limited,
Represented by its Authorised Signatory,
A.G.Ananthanarayanan,
SPICE House, 88, Mount Road,
Guindy, Chennai - 600 032.

... Petitioner

Vs

1.National Insurance Company Limited,
Represented by its Manager,
No.92, Q, Deverpuram Road,
Tuticorin - 628 003.

2.Sundaram

3.Nirmala

4.Sharmila

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to dispose of the representation of the petitioner dated 25.04.2018 relating to compensation of Rs.4,30,560/- along with interest as ordered in E.C.No.198/2015 on the file of the Deputy Commissioner of Labour, Connur, Tamil Nadu.



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For Petitioner : Mr.K.N.Nataraj

For Respondents :

For R1 : Mr.J.Chandran

For R2 to R4 : No appearance

ORDER

There is no merits in the present writ petition.

2. The petitioner has filed this Writ Petition for a Mandamus, to direct the first respondent to dispose of the petitioner's representation dated 25.04.2018 relating to compensation of Rs.4,30,560/- along with interest as ordered in E.C.No.198/2015 on the file of the Deputy Commissioner of Labour, Connur, Tamil Nadu.

3. The facts on record indicate that due to the road accident on 19.04.2009, two of the petitioner's company employees sustained injuries, one of whom sustained grievous/fatal injury and resulting in death of the employee by name K.S.Vasanth Kumar on 26.04.2009.



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4. These employees of the petitioner's company were admitted in a private hospital on 26.04.2009. Under these circumstances, the petitioner has sent a representation to the first respondent to pay compensation on account of the insurance policy taken with the first respondent.

5. It appears that the petitioner was also called upon to furnish the documents to the first respondent. However, the first respondent failed to submit the required documents. Thereafter, the petitioner sent a comprehensive representation dated 25.04.2018 to the first respondent. However, it did not evoke any response from the first respondent. Hence, this writ petition has been filed for a direction, to direct the first respondent to dispose of the petitioner's representation dated 25.04.2018.

6. It is the case of the petitioner that the second to fourth respondents are the Legal Heirs of the deceased employee K.S.Vasanth Kumar and they were pressing for compensation as per the order of the Deputy Commissioner of Labour, Connur, Tamil Nadu. Under these circumstances on compassionate ground, the petitioner deposited a sum of Rs.9,00,802/- (Rupees Nine Lakhs



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Eight Hundred and Two) by way of Demand Draft drawn at ICICI Bank dated 24.05.2018. The amount was to be paid by the first respondent as the petitioner has right under the Principles of Subrogation. It is not clear from the facts, whether, the compensation has been paid to the private respondents herein. The legal heirs of the deceased employee cannot be denied of the compensation that are due.

7. There is no merits in the present writ petition. In case the compensation has not been paid by the first respondent under the insurance policy, it is open for the petitioner to file a civil suit to recover the amount paid on behalf of the first respondent to the private respondents herein.

8. Therefore, this Writ Petition is dismissed. Liberty is given to the petitioner to initiate appropriate proceedings to recover the amount from the first respondent before the competent Court in accordance with law. No costs.

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Index: Yes/No
Speaking/Non-Speaking Order
arb



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To

- 1.The Manager,
National Insurance Company Limited,
No.92, Q, Deverpuram Road,
Tuticorin - 628 003.

- 2.The Deputy Commissioner of Labour,
Connur, Tamil Nadu.



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C.SARAVANAN, J.

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