



WEB COPY



W.P.No.6739 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.6739 of 2018

1.A.Ramasamy
2.Lakshmi
3.Sumathi
4.Thulasi
5.Prasath ... Petitioners
[P3 to P5 – substituted as LR of deceased second petitioner
vide order dated 28.08.2023 in W.M.P.No.10611 of 2022]

Vs.

1.The Deputy Commissioner of Labour,
Yercaud Main Road,
Gorimedu,
Salem-8.

2.The Manager,
State Bank of India,
Kottai Branch, Salem,
Salem – 636 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to disburse the amount deposited before the second respondent pursuant to the award passed in W.C.No.530 of 2002 on the file of the Deputy



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Commissioner of Labour, Salem based on the representation dated 09.01.2018.

For Petitioners : Mr.J.Prithivi

For Respondents : Mr.M.S.Prem Kumar
Government Advocate [R1]
No Appearance [R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents herein to disburse the amount deposited before the second respondent pursuant to the award passed in W.C.No.530 of 2002 on the file of the Deputy Commissioner of Labour, Salem based on the petitioners representation dated 09.01.2018.

2. The case of the petitioners is that, the petitioners 1 and 2 have a filed petition in W.C.No.530 of 2002 before the first respondent claiming compensation of Rs.5,00,000/- for the death of their son Perumal in the course of his employment. The first respondent has passed an order in favour of them by directing the first respondent therein to pay a sum of Rs.2,20,416/- with subsequent interest at 12%, against which, the first



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respondent therein filed an appeal in C.M.A.No.3917 of 2004 before this Court and this Court by order dated 19.04.2010 modified the award and directed the second respondent in W.C. petition to pay the compensation of a sum of Rs.1,86,000/-. Aggrieved by the same, the said respondent filed civil appeal before the Supreme Court and the Supreme Court allowed the same. During the pendency of the litigation, the first respondent in W.C. petition deposited the entire amount in W.C.No.530 of 2002. However, the said amount was not disbursed to the petitioners despite the application made by them, thereby, they made a representation before the first respondent on 09.01.2018. Since the same was not considered, the petitioners have filed the above writ petition before this Court.

4. Though very many grounds have been raised in this writ petition, the learned counsel appearing for the petitioners submits that, it would suffice, if this Court issues a direction to the first respondent to dispose of the petitioners' representation dated 09.01.2018 within a time frame that may be stipulated by this Court.



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5. On the above contentions, this Court, heard the learned Government Advocate appearing for the first respondent and perused the materials available on record.

6. Considering the limited request sought for by the petitioners, this Court, without going into the merits of the case, grants liberty to the petitioners 3 to 5 to file a fresh representation before the first respondent along with the representation dated 09.01.2018 within a period of two weeks from the date of receipt of a copy of this order. If such representation is filed, the first respondent is directed to decide the same and disburse the award amount to the petitioners within a period of six weeks thereafter.

7. With the above terms, this writ petition is disposed of. No costs.

28.08.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



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M.DHANDAPANI, J.

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