



W.P.No.13232 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.13232 of 2020

S.Karunakaran

... Petitioner

Vs.

1. The Deputy Commissioner of Labour
(Workmen Compensation)
No.414, Office of the Collector,
Salem - 636 007.

2. The General Manager,
Southern Railway,
Park Town, Chennai - 600 003.

3. The Senior Divisional Personnel Officer,
Palakkad Division, Southern Railway,
Palakkad - 678 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the first respondent to pay the pending compensation amount of Rs.2,71,120/- with accrued interest at the rate of 12% with effect from 2007 till the date of actual payment.



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For Petitioner : Ms.N.R.Jasmine Padma
For Respondents
For R1 : Ms.C.Meera Arumugam,
Additional Government Pleader
For R2 and R3 : Mr.P.T.Ram Kumar,
Standing counsel

ORDER

The brief facts of the case in a nutshell are as follows:

The petitioner is the son of the deceased L.K.Subramanian who was working as a Senior Trackman in the office of the Senior Section Engineer/Permanent way at Tirupattur in Palakkad/Salem Division in Southern Railways. On 08.10.2006, the said L.K.Subramanian, while discharging his night patrol duty between Kagankarai and Molakaranpatti Railway Stations, he met with an accident and died. Hence, the family of the deceased was sanctioned with Ex-Gratia compensation of Rs.2,71,120/- which was deposited with the Deputy Commissioner of Labour under Workmen Compensation. Apart from this, a sum of Rs,5,00,000/- was also disbursed among the surviving legal heirs of the deceased L.K.Subramanian. When the petitioner approached the 3rd respondent/Southern Railways for disbursement of Rs.2,71,120/-,



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the 3rd respondent vide his letter dated 21.03.2017, directed the Writ Petitioner to approach the 1st respondent. Though the Writ Petitioner approached the 1st respondent for payment of the said amount, till date no amount has been paid by the 1st respondent,

2. Mr.P.T.Ram Kumar, learned counsel appearing for the 3rd respondent/Southern Railways drew the attention of this Court to the letter of the Divisional Officer, Personnel Branch, Palghat, dated 23.12.2013 wherein it has been mentioned thus:

“In compliance of Tribunal's said order, this office has examined your representation dated 1.3.2013 and has passed an order dated 13.11.2013. As earlier, the Dy.Commissioner of Labour, Salem could not be located along with the orders if any, it was advised that action will be taken to re-deposit the returned workmen compensation amount of Rs.2,71,120/- to the Dy.Commissioner of Labour/Salem for it distribution among dependant/s of late employee in accordance with the provisions of Workmen Compensation Act, 1923. However, subsequently this office was able to locate the Dy.Commissioner of Labour / Salem's Letter No.



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A2/5230/2008 dated 5-6-2008 vide which the compensation amount was returned vide D.D.No.2316661 dated 29-5-2008, duly enclosing a copy of proceedings No.B2 7295/2007 dated 14-5-2008. In the said proceedings, it has been stated that the dependants given in the legal heirship certificate are not eligible under W.C.Act. Accordingly, you were addressed another letter dated 3.12.2012, copy of which is enclosed for ready reference.”

3. His contention is that the amount is lying with the Southern Railways and the 1st respondent/Deputy Commissioner of Labour (Workman Compensation) is the competent authority to decide the issue.

4. In the circumstances, the 1st respondent / Deputy Commissioner of Labour (Workmen Compensation), Salem is directed to consider the representation of the petitioner dated 05.04.2017, conduct an enquiry in accordance with law after giving notice to both the parties and pass orders on merits within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of.

No costs.

05.10.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

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