



C.R.P.No.2133 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2023

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THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2133 of 2021
and
C.M.P.No.16171 of 2021

The Managing Director,
Rajam Industries Pvt. Ltd.,
"OORVASI BRAND DETERGENT CAKE & POWDER"
No.2/403, Mount Ponnammallee Road,
Iyyapanthangal,
Chennai – 600 056.

...Petitioner/Respondent/Opposite Party.

Vs.

N.Vijayakumar

...Respondent/Petitioner/Applicant.

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India to set aside the order dated 27.04.2021 made in I.A.No.195 of 2019 in E.C.No.101 of 2019 in E.C.No.101 of 2021 on the file of the Deputy Commissioner of Labour – II, Chennai and allow the revision petition.

For Petitioner : Mr.P.Gunaraj

For Respondent : Mr.A.Mohan Doss
(Sole Respondent)



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ORDER

WEB COPY This Civil Revision Petition arises at the instance of the employer. According to the employee, he suffered an accident on 12.04.2012 and had approached various authorities for the purpose of compensation and since all the efforts proved futile, he moved to the Workmen's Compensation Tribunal by way of a claim petition. Since he was approaching the other forums, there occasioned a delay of 1814 days in presenting the claim petition.

2.The authority after receipt of the counter from the respondent, (who is the Civil Revision Petitioner before me) condoned the delay. Challenging the same the present Civil Revision Petition arises.

3.Heard Mr.P.Gunaraj, learned Counsel appearing for the Petitioner and Mr.A.Mohan Doss, learned Counsel for the respondent. I have gone through the papers and perused the materials on record and considered the case.

4.The relationship between the employer and the employee is not in dispute. It is also not in dispute that the petitioner suffered an accident during the course of his employment on 12.04.2012. Mr.P.Gunaraj, learned Counsel appearing for the Petitioner would submit that the



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compensation has already been paid and treatment was also given to the petitioner. He will point out that the petitioner tried to get relief by approaching the police authorities and political parties and after all those failed, he has filed petition before the Workmen's Compensation Commissioner stating that he was sick. He would pray that the civil revision petition be allowed and the claim petition be dismissed.

5.Mr. Mohan Das, learned Counsel for the respondent would plead that it is a case of an innocent employee who was running from pillar to post claiming for compensation and therefore, there occasioned a delay. Apart from that, due to the injuries caused to him, he was not in a position to approach the Workmen's Compensation Court. The relationship between the parties not being in dispute and the accident is also not being in dispute, the question is should the respondent be penalised for approaching the wrong forum, especially the police authorities prior to lodging the claim petition, I feel it will be inequitable to lay down a position of law accepting the same.

6.However, I have to be alive to the situation that the employer also cannot be penalised for the respondent having approached the Compensation Officer with delay. Since the Workmen's Compensation Commissioner has exercised its discretion, I am not inclined to interfere with the order. In case, the compensation is fixed, the petitioner will not be entitled to any interest from 12.04.2012 i.e., the date of the accident



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V. LAKSHMINARAYANAN.J,

nst

till he approached the Tribunal in March, 2020.

7. This Civil Revision Petition stands partly allowed with the above modifications. No costs. Connected Civil Miscellaneous Petition is closed.

19.09.2023

nst

Index : Yes/No

Speaking Order : Yes/No

Neutral Citations : Yes/No

To:

The

Deputy Commissioner of Labour – II,
Chennai.

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and

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