



W.P(MD)Nos.6987 to 6989 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.6987 to 6989 of 2022

and

W.M.P(MD)Nos.5332 to 5334, 12990, 12993 & 12994 of 2022

(In W.P(MD)No.6987 of 2022)

The Commissioner,
Shenkottai Municipality,
Municipal Office,
Shenkottai Post-627 809,
Tirunelveli District.

... Petitioner

Vs.

1.The Joint Commissioner of Labour,
(Commissioner under Employees Compensation Act),
No.106, Trivendram Road,
Palayamkottai, Tirunelveli.

2.Kala

3.Minor Karthiga

4.Minor Tharun

5.Paththimuthu

6.Nagoor

... Respondents



W.P(MD)Nos.6987 to 6989 of 2022

(Respondents 3 and 4 are represented through their Natural Guardian and their mother / second respondent)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the first respondent in case No. EC 30/2015, dated 30.06.2021 and quash the same.

For Petitioner : Mr.M.Saravanakumar

For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-2 to R-4 : Mr.T.Selvakumaran

For R-5 & R-6 : Mr.K.R.Laxman

(In W.P(MD)No.6988 of 2022)

The Commissioner,
Shenkottai Municipality,
Municipal Office,
Shenkottai Post-627 809,
Tirunelveli District.

... Petitioner

Vs.

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No.106, Trivendram Road,
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2.Shanmugathai

3.Minor Nandhini

4.Minor Kishore

5.Pappa

6.Paththimuthu

7.Nagoor

... Respondents

(Respondents 3 and 4 are represented through their Natural Guardian and their mother / second respondent)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the first respondent in case No. EC 31/2015, dated 30.06.2021 and quash the same.

For Petitioner : Mr.M.Saravanakumar

For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-2 to R-5 : Mr.T.Selvakumaran

For R-6 & R-7 : Mr.K.R.Laxman

(In W.P(MD)No.6989 of 2022)

The Commissioner,
Shenkottai Municipality,
Municipal Office,
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... Petitioner



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Vs.

1.The Joint Commissioner of Labour,
(Commissioner under Employees Compensation Act),
No.106, Trivendram Road,
Palayamkottai, Tirunelveli.

2.Rohini

3.Minor Mariselvi

4.Minor Aathithya

5.Natarajan

6.Paththimuthu

7.Nagoor ... Respondents
*(Respondents 3 and 4 are represented through their
Natural Guardian and their mother / second
respondent)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the first respondent in case No. EC 32/2015, dated 30.06.2021 and quash the same.

For Petitioner : Mr.M.Saravanakumar

For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-2 to R-5 : Mr.T.Selvakumaran

For R-6 & R-7 : Mr.K.R.Laxman



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COMMON ORDER

The present writ petitions have been filed by the Commissioner of Shenkottai Municipality challenging the award passed by the Joint Commissioner of Labour under the Employees Compensation Act in E.C Nos. 30, 31 and 32 of 2015.

2. Since the petitioner is having an effective alternative remedy of filing a statutory appeal before this Court, this writ petition is not maintainable. The petitioner is at liberty to file an appeal and seek condonation of delay citing the pendency of the writ petition. In case if any appeal is filed, the period spent by the petitioner Municipality between 07.04.2022 and 27.11.2023 shall stand excluded.

3. With the above said observation, these writ petitions stand dismissed as not maintainable. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

27.11.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: Issue order copy on 29.11.2023.

To

The Joint Commissioner of Labour,
(Commissioner under Employees Compensation Act),
No.106, Trivendram Road,
Palayamkottai, Tirunelveli.



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R.VIJAYAKUMAR, J.

BTR

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