



W.P.(MD).No.6849 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6849 of 2023

and

W.M.P.(MD).No.6407 of 2023

A.Abusali

... Petitioner

Vs.

1.The Commissioner of Employee Compensation
Cum Joint Commissioner of Labour,
Trichy.

2.Sournam

3.The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Athimu/Aa1/4847/2022 at 13.12.2022 on the file of first respondent and quash the same as arbitrary, illegal null and void and direct the first respondent to entertain the petition filed under order IX rule 13 of CPC read with Section 5 of Limitation Act and give sufficient opportunity to the petitioner to lead evidence both and documentary.



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For Petitioner : M/s.P.Malini
For R-1 : M/s.Villavan Kothai,
Additional Government Pleader.
For R-3 : Mrs.M.Parameswari,
Standing Counsel.

ORDER

This Writ Petition is filed to quash the impugned order dated 13.12.2022 and direct the respondents to entertain the petition under order IX rule 13 of CPC read with Section 5 of Limitation Act and grant sufficient opportunity to the petitioner to submit evidence both oral and documentary.

2. The second respondent has filed a petition before the first respondent under Workman Compensation Act. The petitioner has filed a counter before the authority. However, the petitioner Corporation could not appear for final hearing. The first respondent has passed an ex-parte order without giving sufficient opportunity to the petitioner to submit oral and documentary evidence. Therefore, the petitioner is seeking to rehear the case and to grant opportunity to submit oral and documentary evidence.



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3. This Court is inclined to set aside the impugned order, because the first respondent has not granted adequate opportunity to the petitioner Corporation, which is violative of principles of natural justice. Therefore, the impugned order is set aside and the first respondent is directed to grant sufficient opportunity to the petitioner. However, the petitioner shall not adopt any delay tactics to proceed with the proceedings and enquiry shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

4. In view of the above, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Registry is directed to return original papers after taking xerox copy.



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S.SRIMATHY, J.

Nsr

To

1.The Commissioner of Employee Compensation
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Trichy.

2.The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
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