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W.P. No.14442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.14442 of 2022
and W.M.P. No.13657 of 2022

Kannimuthu S/o. Late Mariappan .. Petitioner

vs.

1. The Deputy Commissioner of Labour,
Authority under the Workmen Compensation Act,
Coimbatore.

2. The Manager,
M/s. TATA Coffee Limited,
Velonie Estate, Valparai.

3. The United India Insurance Company Ltd.,
Post Box No.6813, III Floor,
IML Building, N.R. Square,
Bangalore - 560 002, Karnataka. .. Respondents

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the 1st respondent dated 24.10.2021 vide Pa.E.Vai.Pa.51/19 A1/PaE80/2010, quash the same and consequently, directing the 1st respondent to disburse the award amount of Rs.5,59,951/- with interest made in E.C. No.37/2016 dated 26.04.2019 to the petitioner



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within the stipulated time fixed by this Court.

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For Petitioner : Mr. S. Saravanan

For Respondent : Mr. E.P. Senniyanigiri,
Government Advocate [for R1]

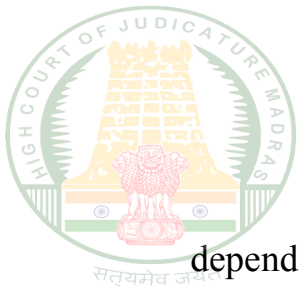
Ms. R. Sarala Devi [for R3]

No appearance [for R2]

ORDER

This Writ petition has been filed by the petitioner to quash the order passed by the 1st respondent dated 24.10.2021 vide No.Pa.E.Vai.Pa.51/19 A1/PaE80/2010 and to direct the 1st respondent to disburse the award amount of Rs.5,59,951/- with interest made in E.C. No.37 of 2016 dated 26.04.2019 to the petitioner within the time stipulated by this Court.

2. The learned counsel appearing for the petitioner would submit that the mother of the petitioner was working as a permanent worker under the 2nd respondent from 20.03.1998. While so, on 30.04.2016, when she was in the course of employment, fainted and fell down on the field and she was taken to Estate dispensary, where the Doctors declared that 'she was brought dead'. The above said death was happened during the course of employment due to stress and strain. At the time of death, the petitioner's mother was aged about 50 years and the petitioner and his sister are the only legal heirs and



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dependants. She was earning Rs.241.67 per day. Therefore, he filed a Claim Petition in E.C. No.37 of 2016 before the 1st respondent and the same was allowed by passing an Award dated 26.04.2019 directing the 3rd respondent to deposit a sum of Rs.5,54,951/- as compensation and a sum of Rs.5,000/- towards funeral expenses. The 3rd respondent was directed to pay the above said total compensation amount of Rs.5,59,951/- along with interest @ 12% per annum. Thereafter, the 3rd respondent also deposited the entire amount.

2.1. Thereafter, the petitioner made a representation to the 1st respondent to disburse the award amount and after receipt of the representation, the 1st respondent passed the impugned order dated 24.10.2021 in his Proceedings in Pa.E.Vai.Pa.51/19 A1/PaE 80/2010 stating that as per Section 2(1)(d) of Workmen Compensation Act, the petitioner and his Sister are not dependents to his deceased mother and therefore, the amount was ordered to be given to the 3rd respondent. Once the 1st respondent passed an order on merits, he cannot pass the impugned order, that too without any notice to either parties. After passing the orders in the main petition, the 1st respondent has no jurisdiction to pass the impugned order. Neither the Management nor the Insurance company challenged the order and no any representation made by them before the 1st respondent. However, without



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any jurisdiction, suo moto the 1st respondent issued proceedings. Therefore, the act of the 1st respondent is illegal and therefore, the order passed by the 1st respondent is liable to be quashed.

3. The learned counsel appearing for the 3rd respondent would submit that as per the order passed by the 1st respondent, they deposited the entire amount and now the same is lying with the 1st respondent and so far, they have not received the amount from the 1st respondent as per the impugned order passed by the 1st respondent.

4. Heard both sides and perused the entire materials available on record.

5. The main point to be decided in this petition by this Court is that once the 1st respondent passed an Award, can the Award be altered, without any application by either parties and without knowledge of the parties. In this context, it is pertinent to note that the main award was passed after hearing both the parties and there is no any appeal filed as against the order passed by the 1st respondent in E.C. No.37 of 2016. The said order was passed on 26.04.2019 and the 3rd respondent Insurance Company has also deposited the



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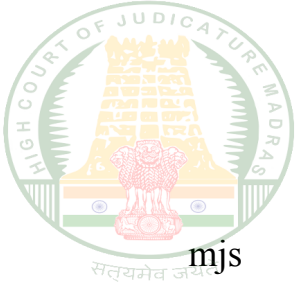
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amount before the 1st respondent. Thereafter, on 24.10.2021, when the petitioner made an application to disburse the amount, the 1st respondent passed the impugned order stating the petitioner and his sister are not the legal heirs and dependants as per Section 2(1)(d) of Workmen Compensation Act. After disposal of the main petition, without any application, the 1st respondent has no jurisdiction to pass the impugned order. No opportunity was given to the parties. Once the 1st respondent passed an order, it becomes *functus officio*, thereby the 1st respondent has no jurisdiction to pass the impugned order. If any defects in the order, the parties have to challenge the same by way of an appeal in the manner known to law. In the case on hand, without any application filed by either parties, after 2 years from the date of passing an order, once again, the 1st respondent has passed the impugned order and he has no jurisdiction to pass such an order. Therefore, the order passed by the 1st respondent is liable to be quashed.

6. Accordingly, this Writ petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

24.06.2025

Index : Yes/No
Speaking order/non-speaking order



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To

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Coimbatore.
2. The United India Insurance Company Ltd.,
Post Box No.6813, III Floor,
IML Building, N.R. Square,
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P. DHANABAL, J.,

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