



WP No. 8632 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 8632, 8636, 8633 and 8634 OF 2025
and WMP NO. 9656, 9657 OF 2025, 9658, 9659,
9654 OF 2025, 9655, 9660 and 9661 OF 2025**

M/s.Dindigul Thalappakatti Biriyan Restaurant
Represented By Its Authorised Signatory,
Plot No 18, Rajiv Gandhi Salai,
Sri Sowdeswari Nagar,
Okkiyampettai,
Thoraipakkam,
Chennai 600097.

Petitioner in all the petitions

Vs

1. The Joint Commissioner Of Labour-II
Employees Compensation Court II,
Chennai 600006.

2. V.Vedhachalam

3.M/s.OMR Transport
Prop D.Ravi,
S/o.Dhanapal,
No.5/21 Bharathiyar Stretet,
Okkiyam Pettai,
Chennai 600097.

Respondents in W.P.No.8632 of 2025



1. The Joint Commissioner Of Labour-II
Employees Compensation Court II,
Chennai 600006.

2.K.Gandhimathi

3.M/s.OMR Transport
Prop D.Ravi,
S/o.Dhanapal,
No.5/21 Bharathiyar Stretet,
Okkiyam Pettai,
Chennai 600097.

Respondents in W.P.no.8633 of 2025

1. The Joint Commissioner Of Labour-II
Employees Compensation Court II,
Chennai 600006.

2.N.Manimala

3.M/s.OMR Transport
Prop D.Ravi,
S/o.Dhanapal,
No.5/21 Bharathiyar Stretet,
Okkiyam Pettai,
Chennai 600097.

Respondent(s) in **WP No. 8634 of 2025**



1. The Joint Commissioner Of Labour-II
Employees Compensation Court II,
Chennai 600006.

2.K.Nagammal

3.M/s.OMR Transport
Prop D.Ravi, S/o.Dhanapal, No.5/21
Bharathiyar Stretet, Okkiyam Pettai,
Chennai 600097.

....Respondents in W.P.No.8636 of 2025

WP No. 8632 of 2025 : The writ petition has been filed under Article under 226 of Constitution of India, to issue a writ of Certiorari, Calling for the records of the impugned order passed by the 1st respondent in I.A.No. 190/2023 dated 04.03.2024 and to quash the same as illegal and arbitrary and pass.

WP No. 8633 of 2025: The writ petition has been filed under Article under 226 of Constitution of India, to issue a writ of Certiorari, Calling for the records of the impugned order passed by the 1st respondent in I.A.No. 189/2023 dated 04.03.2024 and to quash the same as illegal and arbitrary and pass.

WP No. 8634 of 2025: The writ petition has been filed under Article under 226 of Constitution of India, to issue a writ of Certiorari, Calling for the records of the impugned order passed by the 1st respondent in I.A.No. 191/2023 dated 04.03.2024 and to quash the same as illegal and arbitrary and pass.

WP No. 8636 of 2025 : The writ petition has been filed under Article under 226 of Constitution of India, to issue a writ of Certiorari, Calling for the records of the impugned order passed by the 1st respondent in I.A.No. 188/2023 dated 04.03.2024 and to quash the same as illegal and arbitrary and pass.

For Petitioner(s): MR. S. Karthick

In all the



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	Sr. Counsel	W.P.'s
	FOR Vijayan Subramanian	
	(In all the petitions)	
For Respondent(s):	MR. R.Muralidharan	In all the
	FOR R2	W.P.s
	MR. K. Surendran, AGP	
	FOR RR1	
	R3 – Not ready notice	
	(In all the petitions)	

COMMON ORDER

These writ petitions have been filed seeking to quash the impugned order passed by the 1st respondent in I.A.No. 190/2023, 189/2023, 191/2023 and 188/2023 dated 04.03.2024.

2. It is the case of the petitioner that the petitioner had engaged the services of the 3rd respondent, who is in the field of sewage tank cleaning to clean its private sewage tank at one of its restaurants at Thoraipakkam, OMR. The petitioner further states the 3rd respondent had sent its machinsied suction truck along with its driver, cleaner and other works to clean the sewage tank on 19.01.2016. After sucking up the water, one of the employees of the 3rd respondent, namely Velumurugan fell inside the sewage tank. The other persons namely Rajesh, Kumar, Saravanan tried to help the said person, getting into the tank and inhaled the poisonous gas and fell unconscious. Unfortunately, they lost their lives. Based on the complaint given by the Village Administrative Officer, Thoraipakkam, an FIR came to be registered in Crime No.62/2016



dated 19.01.2016 on the file of J-11 Kannagi Nagar Police station for the offences under Section 288, 304 IPC and Section 8 of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. The petitioner company had given a one-time solatium a sum of Rs.10,00,000/- vide a Demand Draft No.026270 dated 27.01.2016 drawn on HDFC Bank, Mylapore Branch to the dependents of the deceased persons as per the order of the Supreme Court.

3. After investigation, the Police registered a case as against 5 persons and filed charge sheet before the learned Judicial Magistrate, Alandur and the same was taken on file as CC. No.1267 of 2016. Aggrieved by the said CC, the Management has filed a petition to quash the CC. After a period of seven years, the second respondent herein had filed an application under Section 10 of the Employees compensation Act, 1923 before the first respondent praying for the relief of payment of compensation of a sum of Rs.60,00,000/- under the Employees compensation Act and condone delay application was also filed in in I.A.No.190, 189, 191 & 188/2023 and the same was allowed. To quash the said order, these writ petitions have been filed.

4. The learned counsel for the petitioner submitted that the present writ petitions have been filed solely on the ground that there was settlement between the petitioner and the deceased employee families before the Corporation officials and some of the legal heirs of the deceased employee, have not arrayed



as party before the trial Court. Even then the first respondent allowed the condone delay of 2055 days is contrary to law. The second respondent has not even mentioned the fact that the petitioner had paid a sum of Rs.10,00,000/- as compensation as per the judgment of the Hon'ble Supreme Court in the case of *Safari Karamchari Andolam and others and Union of India and others*. The learned counsel for the petitioner further submitted that this Court, without interfering with the impugned order, permit the petitioner to let in documentary evidence and to canvass all the points before the first respondent.

5. The learned counsel for the second respondent have not raised any objection in this regard.

6. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.

7. Considering the facts and circumstances of the case and the limited request sought for by the petitioner, this Court without interfering with the impugned order, directs the first respondent to allow the petitioner to submit the documentary evidence as well as the necessary witnesses before it within the stipulated time as fixed. Thereafter, the first respondent shall consider the same and pass appropriate orders in the main case, after providing opportunity to either parties, within a period of eight weeks from the date of receipt of a copy



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of this order.

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8. With the above directions, the writ petitions are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

27-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Joint Commissioner Of Labour-ii
Employees Compensation Court Ii,
Chennai 600006.

WP No. 8632 of 2025



M.DHANDAPANI J.

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WP No. 8632, 8636, 8633 and 8634 OF 2025

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