



WEB COPY

WP No. 38099 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

**WP No. 38099 of 2025
and WMP.No.42560 of 2025**

RAJARATHINAM

Faithful Security Services,
Licensed by Director General of Police,
Kumbhat Commercial Complex,
No.700, Poonamallee High Road,
Aminjikarai, Chennai-600 029

Petitioner(s)

Vs

1. Vasantha Gopalakrishnan

2.Mrs. B. Kannammal

3.The Joint Commissioner of Labour -I
Teynampet, Chennai-600 006

4.Mr. Manoharan

Respondent(s)

PRAYER

to call for the records in E.C. No.52/2021 on the file of the Joint Commissioner



of Labour -1, Teynampet, Chennai, dated 03.08.2023 pronounced by the respondent No.3, and quash the same.

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For Petitioner(s): P. Dhayanand

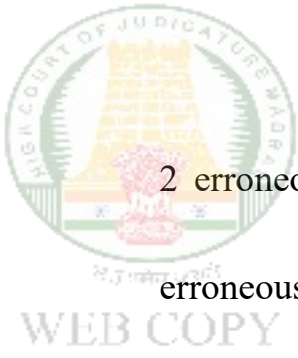
For Respondent(s): M/s.Amar D.Pandiya,
For R1 and R2

Mrs.M.Jayanthi, AGP, For R3

ORDER

The Writ Petition is filed for a Writ of Certiorarified Mandamus to quash the order dated 03.08.2023 of the third respondent in E.C.No.52 of 2021.

2. The petitioner is running a Security Service Company under the name and style of “M/s.Faithful Security Services”, which was started in the year 1992. The petitioner/Company's employees are covered and registered under ESI Act. The petitioner states that the respondents 1 and 2 herein, claiming to be the legal heirs of one, Mr.Gopalakrishnan, an employee of the Company, who died on 15.08.2019, filed a claim petition in EC.No.52/2021, before the Joint Commissioner of Labour-I/3rd respondent herein, seeking compensation for the death of Mr.Gopalakrishnan. According to the petitioner, the respondent 1 and



2 erroneously arrayed the petitioner as a party and the third respondent also erroneously awarded compensation against the petitioner.

3. The petitioner further states that he received the order copy in E.C.No.52 of 2021 on 16.11.2023, and he was advised by his counsel to submit the required documents for filing the appeal. The petitioner states that due to his age and health condition, he was not able to prosecute the appeal. The petitioner states that while so on 04.07.2025, he received a demand notice for a sum of Rs.4,31,080/- along with 12% interest towards compensation for the death of Mr.Gopalakrishnan. The petitioner states that on 15.07.2025, he sent a notice to the fourth respondent, who was the actual employer of the deceased, calling upon him to get himself impleaded before the third respondent. The petitioner further states that the fourth respondent even though, through his counsel's letter dated 21.07.2025, replied that he would find amicable solution to the issue, failed to take any action. Under the above circumstances, the petitioner was constrained to file the above Writ Petition for the aforesaid relief.



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4. This Court on 13.10.2025 admitted the Writ Petition, ordered notice to the respondents and also granted an interim stay.

5. The learned counsel for the private respondents 1 and 2, submitted that the Writ Petition is not maintainable. The counsel submitted that the petitioner is having alternative efficacious remedy of appeal under Section 30 of the Employee's Compensation Act, and that the petitioner without exhausting the statutory remedy and without providing any proper explanation for bypassing the statutory remedy, filed the above Writ Petition. Hence, he prayed that the Writ Petition may be dismissed.

6. As rightly contended by the learned counsel for the respondents 1 and 2, the petitioner is having a statutory remedy of appeal against the order of the third respondent, before this Court by way of Civil Miscellaneous Appeal. The petitioner under the provisions of the ESI Act, is also entitled to file an application for condoning the delay in filing appeal by invoking Section 5 of



Limitation Act.

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7. In the affidavit of the petitioner absolutely no reasons are stated for not availing the alternative remedy, of statutory appeal or as to how it is inefficacious. This Court, in the absence of any plausible reason for by-passing the remedy of statutory appeal is not inclined to entertain the writ petition. Hence, the Writ Petition is dismissed. However, the petitioner is granted liberty to work out his remedy before the appropriate appellate Forum. No costs. Consequently, connected miscellaneous petition is closed.

11-11-2025

pvs/AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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The Joint Commissioner of Labour -I
Teynampet, Chennai-600 006



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N.MALA J.

pvs/AP

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