



W.P(MD)No.14404 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.14404 of 2025

and

W.M.P(MD)No.10592 of 2025

S.Gopi

... Petitioner

Vs

1. The Joint Commissioner of Labour,
Labour Welfare Department,
Madurai District.

2. The District Collector,
Madurai.

3. The Thasildar,
North Taluk,
Madurai.

4. Panchulakshmi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to give sufficient opportunity to file an appeal against the order of the first respondent in Pa.EE.Sa.Va.No.35/2017 dated 20.05.2019.



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For Petitioner

: Mr.M.S.Senthil Kumar,

For R-1 to 3

: Mr.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the second respondent to give sufficient opportunity to file an appeal against the order of the first respondent dated 20.05.2019.

2. The contention of the petitioner is that the fourth respondent husband was an employee under the petitioner until the year 2010. Thereafter, the fourth respondent husband left his employment and joined another contractor, namely, Gopikumaran. When the accident occurred, the fourth respondent husband was not employed under the petitioner, but he was employed under the said Gopikumaran. Therefore, the petitioner claims that he is not liable to pay compensation.

3. It is seen, the impugned order was passed without giving sufficient opportunity to the petitioner. According to the petitioner, no notice was served on him and he received only the recovery notice. Therefore, the petitioner seeks an opportunity of hearing before the first respondent.



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4. In light of the above, the impugned order is set aside. The first respondent is directed to issue notice to the petitioner, the fourth respondent and the said Gopikumaran and conduct an enquiry within a period of four (4) months from the date of receipt of a copy of this order. The petitioner shall be permitted to submit all the relevant documents before the first respondent. Thereafter, the first respondent shall consider the petitioner's objection based on the documents and pass fresh orders in accordance with law.

5. With the above said observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.06.2025

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

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S.SRIMATHY, J.

jbr

To:

1. The Joint Commissioner of Labour,
Labour Welfare Department,
Madurai District.
2. The District Collector,
Madurai.
3. The Thasildar,
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Madurai.

ORDER MADE IN
W.P(MD)No.14404 of 2025

DATED : 25.06.2025