

W.P(MD)No.16676 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 11.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16676 of 2021

1.P.Saravanan
2.P.Nithya

... Petitioners

Vs

1.The Joint Commissioner for Workmen,
Compensation and Labour Welfare, Dindigul.
(Karur Camp).

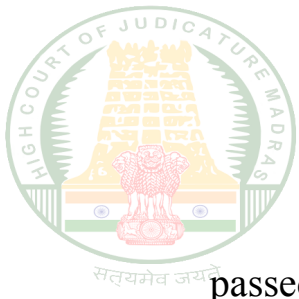
2.The Senior Manager – HR,
Tamil Nadu News Print and Paper Ltd.,
Kahithapuram, Karur District.

3.TNPL Contractor Association,
Kahithapuram, Karur District.

4.The Divisional Manager,
National Insurance Company Ltd.,
Divisional Office, Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order



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passed by the 1st Respondent in Aa.Ti.Mu.No.A3/781/2020 dated 27.02.2020 and quash the same and further directing the 1st Respondent to number the petition presented by the petitioners in unnumbered W.C.No. of 2020

For Petitioners	: Mr.Balakrishnan R,
For R1	: Mr.C.Venkatesh Kumar
For R2	: Mr.M.P.Senthil
For R3	: Mr.P.M.Vishnuvardhanan
For R4	: No appearance

ORDER

The petitioners are the legal heirs of the deceased employee, namely, P.Pitchai, who was working as a contract worker in Tamil Nadu News Print and Papers Ltd., Kahithapuram. On 24.04.2019, he met with an accident, due to which, he died on the same day. Therefore, the petitioners have moved an application before the Joint Commissioner for Workmen, Dindigul/the first respondent, under Section 22 of the Employees Compensation Act, 1923, seeking compensation and the same was returned by the first respondent, by referring to the definition under 2(1)(d) of the Employees Compensation Act 1923. The first petitioner is aged about 31 and he is not a dependent on his father and the second



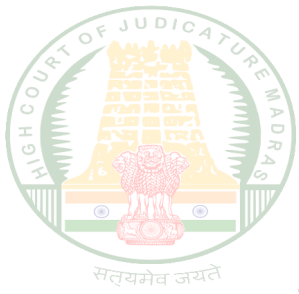
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petitioner, the daughter of the deceased is also married. Aggrieved over the same, the petitioners have filed this writ petition in the year 2021.

2.The learned counsel appearing for the petitioners by relying upon the Judgment of this Court in CMA(MD) No.140 of 2016, dated 04.03.2016 submits that this Court, while dealing with similar issue has held that legal representatives cannot be narrowed down to mean only, dependants and the relevant portion is extracted as under:-

"19. Courts have consistently held that what has been specifically excluded by a legislation in a provision cannot be imported into the section by the decisions of Court. By engrafting Section 166 of the Motor Vehicles Act, enabling all the legal representatives to make a claim, in contra distinction to, Section 2(1)(d) of the Workmen's Compensation Act, which enables only the persons enumerated in the said section to claim compensation under section 3 of the Workmen's Compensation Act, the intention of the legislature is clear and the definition, "legal representative" cannot be narrowed down to mean only "dependents", excluding married daughters/sisters.



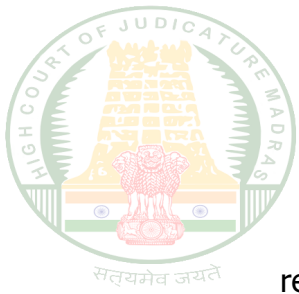
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20. There could still be a case where there is contribution of a portion of the income of the deceased to a legal representative, who had preferred a claim and he/she would not be wholly dependant on the income of the deceased. A likelihood of loss of contribution from the deceased would give rise to a claim for compensation by him under Section 166 of the Motor Vehicles Act, though he may not be a wholly dependent, as defined in Section 2(1)(d) of the Workmen's Compensation Act. 21. It is a well recognised rule of interpretation of statutes that the expressions used in the statute, should ordinarily be understood, in which, they harmonise with the object of the statute and which effectuate the objection of the legislature and the Court should adopt an object oriented approach, keeping in mind the language employed in the statute. When the legislature has used the words, "Legal Representatives" in Section 166 of the Act, and having regard to the duty of the Court to act upon the true intention of the legislature, "Mens or Sententia Legis", this Court is not inclined to accept the submissions of the Insurance Company, intrepret and circumscribe the meaning of the words, "Legal representatives" to mean only "dependents". Just because a brother or sister is married, the right to represent the estate of the deceased is not taken away and such an interpretation, would make the provisions of law of succession, ineffective.

...

24. As the statute is very clear that all the legal representatives can maintain a claim under Section 166 of the Motor Vehicles Act, depending upon the loss of monetary benefit or the gratuitous and invaluable services, measured in terms of money, that the legal



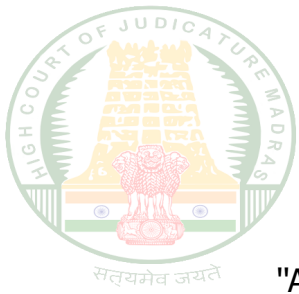
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representative, might have received and the likelihood of loss in the event of death, brother or sister can maintain a claim, the words "Legal Representatives", cannot be narrowed down to mean only, dependents."

3.Though the petitioners' counsel has relied upon the above Judgment, he submits that the petitioners have also filed an application before the Motor Accidents Claim Tribunal in MCOP No.149 of 2019, seeking compensation, wherein, an award was passed on 24.08.2020.

4.Mrs.P.Malini, the learned counsel, who assists this Court submits that this Court, by referring to the definition under 2(1)(d) of the Employees Compensation Act 1923, has already settled the issue with regard to the dependants of a deceased, in the judgment reported in *1977 ACJ 517, in B.M. Habeebullah Maricar Vs. Periaswami And Ors, dated 08.04.1977*, wherein, this Court has held as under:



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"A look at this definition of the term 'dependant' would show that it is not intended to benefit all the heirs of a deceased workman, but to embrace only those relations who, to some extent, depend upon him for their daily necessities, so much so that even some of his nearest and dearest ones, viz., sons who have attained majority, married daughters, and an illegitimate daughter, whether married or unmarried are excluded if they were not dependant on the worker's earnings, wholly or in part. Kinship coupled with dependency, is thus made the sole criterion for a person to fall within the ambit of the definition. And if that be so, there is no reason why the benefit of the Act should go to heirs other than 'dependants' and S. 9 coupled with the definition in CL. (n) of sub-sec. (1) of S. 2 be given a restricted meaning in derogation of the language used by the legislature. To hold otherwise and to extend the benefit of the Act to the legal representatives of the deceased workman or of the dependants would be to burden the employer with liability not flowing from the object which the Act sought to achieve and to pass the benefit provided by the Act to persons altogether outside the class contemplated by it.

She further submits that the above cited Judgment has been subsequently followed by a single Judge of this Court in WP(MD) No.16914 of 2025, dated 02.07.2025.



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5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioners, who are the legal heirs of the deceased employee of the second respondent has approached the Joint Commissioner for Workmen Compensation and Labour Welfare, Dindigul, seeking compensation that their father died in a road accident on 24.04.2019. However, it was returned by the first respondent on 27.02.2020, by referring to the definition under 2(1) (d) of the Employees Compensation Act 1923, which reads as under:-

"dependant" means any of the following relatives of deceased employee, namely:—

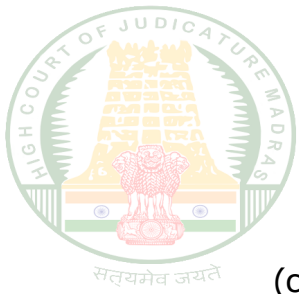
(i)a widow, a minor legitimate or adopted son, an unmarried legitimate or adopted daughter or a widowed mother; and

(ii)if wholly dependant on the earnings of the employee at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm;

(iii)if wholly or in part dependant on the earnings of the employee at the time of his death,

(a) widower

(b) a parent other than a widowed mother,



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- (c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate or adopted if married and a minor or if widowed and a minor,
(d) a minor brother or an unmarried sister or a widowed sister if a minor
(e) a widowed daughter-in-law,
(f) a minor child of a pre-deceased son,
(g) a minor child of a pre-deceased daughter, where no parent of the child is alive, or
(h) a paternal grandparent if no parent of the employee is alive;

It is now reported that the petitioners have claimed compensation through Motor Accidents Claims Tribunal in MCOP No.149 of 2019, dated 24.08.2020.

7. In view of the judgment of the Division Bench of this Court as stated supra and also considering that the petitioners have claimed compensation through Motor Accidents Claims Tribunal, this writ petition is dismissed. No costs.

11.09.2025

Index: Yes
Internet: Yes
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B.PUGALENDHI, J.

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