



W.P(MD)No.16914 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16914 of 2025

T.Yuvaraja

... Petitioner

Vs.

1.The Authority under the Employees'
Compensation Act,
(The Joint Commissioner of Labour),
Collectorate Master Complex,
Dindigul.

2.The Assistant Engineer,
Tamil Nadu Electrical Production and
Distribution Corporation,
Chinnakalaiyamputhur-624 615,
Palani Taluk,
Dindigul District.

... 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 file of the first respondent related to the impugned order passed in Na.Ka.No.3/1312/2023, dated 15.04.2025, quash the same and direct the first respondent to release the compensation amount of Rs.9,94,625/- in E.C.No. 62/2023, voluntarily deposited by the second respondent Corporation to the petitioner.



W.P(MD)No.16914 of 2025

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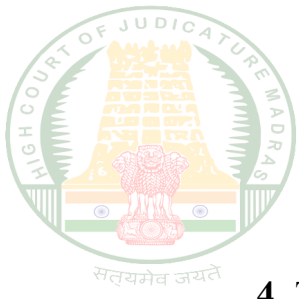
For Petitioner : Mr.M.Ganesan
For R-1 : M/s.D.Farjana Ghoushia
Special Government Pleader
For R-2 : M/s.P.Malini
for M/s.Advith Law Chambers

ORDER

The present writ petition has been filed by the legal heir of a deceased employee challenging the award passed by the first respondent herein, wherein, the petitioner has been held to be not a dependant under the Employee's Compensation Act, 1923.

2. One Mr.K.Deivaraj, who was employed in the second respondent Corporation had passed away due to electrocution on 04.04.2019 leaving behind the petitioner aged 29 years and his younger sister, who is married and living with her husband.

3. The second respondent Corporation had deposited a sum of Rs.9,94,625/- before the first respondent on 12.04.2023 under the Employee's Compensation Act with a request to disburse the same to the eligible persons.



W.P(MD)No.16914 of 2025

WEB COPY

4. The first respondent herein had issued notices to the petitioner and his younger sister and after enquiring them has arrived at a finding that the son [the writ petitioner] is a major and he is aged about 29 years. His younger sister is married and living with her husband. In such circumstances, both of them could not be considered to be dependants under the Act. It was also found that the wife of the deceased employee had already passed away. In such circumstances, the impugned order has been passed by the first respondent on 15.04.2025 rejecting the request of the petitioner and his younger sister for disbursement of the compensation amount. Challenging the same, the present writ petition has been filed.

5. According to the learned Counsel appearing for the writ petitioner, the petitioner has produced legal heir certificate and other documents before the TANGEDCO. Only after looking into the eligibility of the petitioner and his younger sister, they came forward to deposit the compensation amount before the first respondent under the Employee's Compensation Act. Therefore, it is clear that they have no objection for the disbursement of the said amount. He further submitted that there is no dispute with regard to the fact that the petitioner and his sister are the legal heirs of the deceased employee and there



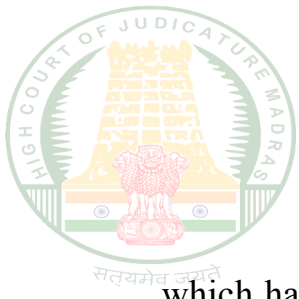
W.P(MD)No.16914 of 2025

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is no other rival claim. In such circumstances, the first respondent should have considered the fact that they are the dependants under the Act and disburse the amount equally to both of them.

6. The learned Counsel appearing for the petitioner further submitted that when the employer has voluntarily deposited the amount under the Employee's Compensation Act before the first respondent, the first respondent on his own cannot raise any objection with regard to the dependency of the petitioner and his sister. He is expected to disburse the compensation amount invoking Section 8(4) of the Employee's Compensation Act. When there is no dispute with regard to the legalheirship of the deceased employee, independent enquiry is not necessary to find out dependency.

7. Per contra, the second respondent herein had contended that merely because an applicant is a legal heir of the deceased employee, he would not be entitled to receive the compensation under the Act, unless it is established that he or she is a dependant of the deceased employee. The learned Counsel appearing for the second respondent had relied upon the Full Bench Judgment of this Court reported in *1977 ACJ 517, [B.M.Habeebullah Vs. Periaswami]*,



W.P(MD)No.16914 of 2025

WEB COPY

which has been followed by a learned Single Judge of this Court in a judgment reported in **2022 (2) TN MAC 169, [National Insurance Company Limited Vs. Seeniammal and Others]** to contend that, though the petitioner and his sister are the legal heirs of the deceased employee, they are not dependant upon the deceased employee on the date of his death.

8. The learned Counsel appearing for the second respondent further submitted that the petitioner and his sister would not fall within the definition of dependants as contemplated under Section 2(1)(d) of the Employee's Compensation Act. As per Section 8(4) of the said Act, the first respondent is legally bound to conduct an enquiry to find out the dependency of the persons, who have made an application for the disbursement of the compensation amount. In the present case, after conducting enquiry, has arrived at a finding that the petitioner is 29 years old and his sister is already married and living with her husband. In such circumstances, when both the legal heirs, not being dependant upon the deceased employee, they are not entitled to receive any share in the compensation amount. In such circumstances, the authority has rightly rejected their application. She made a request for a direction to the first respondent to return the said amount to the second respondent Corporation.



W.P(MD)No.16914 of 2025

WEB COPY

9. The learned Special Government Pleader appearing for the first respondent also contended that unless the persons making an application or dependant upon the deceased employee, they would not be entitled to receive compensation from the employer under the Employee's Compensation Act, merely because of the legal heirs of the deceased person.

10. Heard both sides and perused the materials available on record.

11. The facts narrated above will clearly indicate that the writ petitioner was aged 29 years and his sister was married and living with her husband at the time of death of the employee of the second respondent Corporation. A perusal of Section 2(1)(d) of the Employee's Compensation Act reveals that, the petitioner or his sister would not fall within the category of the dependant as defined under the said provision.

12. As per Section 8(4) of the Employee's Compensation Act, as and when the employer deposits the compensation amount before the authority, he is expected to issue a notice to the dependant calling upon them to appear before him for determining the distribution of the compensation. In case, if the



W.P(MD)No.16914 of 2025

WEB COPY

authority is satisfied that no dependant exists, he has to repay the balance amount to the employer by whom it was paid. Therefore, it is clear that unless an applicant is considered to be a dependant as contemplated under Section 2(1)(d) of the Employee's Compensation Act, merely because he is a legal heir of the deceased employee, the first respondent is not expected to disburse the amount.

13. In view of the above said deliberations, the order impugned in the writ petition does not suffer from any illegality. There are no merits in the writ petition. The Writ Petition stands dismissed with a direction to the first respondent to repay the amount to the second respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

02.07.2025

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



W.P(MD)No.16914 of 2025

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W.P(MD)No.16914 of 2025

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W.P(MD)No.16914 of 2025

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