



W.P.(MD)Nos.3589 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE **MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD)No.3589 of 2017
and
W.M.P.(MD)Nos.2902 of 2017

D&H INDIA LIMITED,
[Formerly known as D&H Welding Electrodes (India) Limited],
G1 Ashok Manor,
No.9, AlagiriNaicken Street,
Alandur, Chennai 600 016,
Rep. By its Authorized Signatory.

... Petitioner

Vs.

1.Commissioner for Employees's Compensation,
(The Deputy Commissioner of Labour),
Tiruchirappalli.

2.Kamala

3.N.Mani

4.N.Ramachandran

5.M/s.TATA AID General Insurance Company Limited,
C-135A, 5th Cross Street,
Thilai Nagar,
Trichy – 18.

... Respondents



W.P.(MD)Nos.3589 of 2017

WEB

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings in A.Thi.Mu/Aa1/520/17 dated 31.01.17 and quash the same as illegal and consequently direct the 1st respondent to take the returned and unnumbered interlocutory application in E.C.No.104 of 2016 on his file and dispose the same on merits and in accordance with law within the period that may stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.S.Shanmugavel (R1)
Addl. Government Pleader
No appearance (R2 to R5)

ORDER

This writ petition has been filed aggrieved by the order dated 31.01.2017 passed by the respondent No.1, returning the application filed by the petitioner to call for certain information from the respondents 2 to 4, who are the claimants before the respondent No.1, on the ground that the enquiry on the claimants' side is in progress and therefore, the said application cannot be entertained.



W.P.(MD)Nos.3589 of 2017

WEB COPY

2. On the face of it, such a reasoning assigned by the respondent No.1 and returning the application filed by the petitioner is totally absurd. If the respondent No.1 is of the view that said application filed by the petitioner can't be adjudicated at that stage, the respondent No.1 is at liberty to postpone the adjudication of the application to a later point of time and then, consider the same on merits. But in the instant case, the respondent No.1 failed to consider the application filed by the petitioner on merits, but returned the same.

3. In view of the above, the impugned order dated 31.01.2017 cannot be sustained under law and accordingly, the same is hereby quashed and the respondent No.1 is further directed to receive the returned application filed by the petitioner in E.C.No.104 of 2016 and dispose of the same on merits at appropriate time and conclude the entire proceedings in the main E.C.No.104 of 2016 as expeditiously as possible at any rate, within a period of three months from the date of receipt of a copy of this order.



W.P.(MD)Nos.3589 of 2017

WEB COPY

4. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.02.2025

Neutral Citation: Yes / No
Index : Yes / No
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W.P.(MD)Nos.3589 of 2017

WEB COPY

TO:-

- 1.Commissioner for Employees's Compensation,
(The Deputy Commissioner of Labour),
Tiruchirappalli.



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W.P.(MD)Nos.3589 of 2017

MUMMINENI SUDHEER KUMAR, J.

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Order made in
W.P.(MD)No.3589 of 2017

Dated:
13.02.2025