



W.P.(MD) No.30910 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.30910 of 2024

and

W.M.P.(MD) Nos.25990 of 2024 & 5515 of 2025

T.Manikandan

... Petitioner

-VS-

1.The Joint Commissioner
of Labour
(Commissioner under Employees
Compensation Act)
Bharathi Ula Road
Madurai-625 002

2.M.Lakshmi

3.Alagupattu

4.M/s.Cholamandalam General
Insurance Company Ltd.,
No.3 & 4, NH-7, Dindigul
National High Road
Arasaradi, Kalavasal
Madurai



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5.Karpaga Vinayagar
Modern Rice Mill /
Management
No.160/4W, Ilanthiraikondan
Main Road
Dhalavaipuram Post
Rajapalayam Taluk
Virudhunagar District

6.The Tahsildar
Rajapalayam Taluk Office
Rajapalayam Post-626 117
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records in pursuant to the impugned order passed by the first respondent under Workman Compensation Act in Case No.113/2021, dated 23.01.2024 and quash the same and consequently remand the matter for fresh consideration on the file of the first respondent.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.R.Ragavendran
Government Advocate for R1 & R6
Mr.R.Rajamohan for R2
No appearance for R3
Ms.K.R.Shivashankari for R4
Mr.V.Muthukamatchi for R5



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ORDER

This writ petition has been filed by the petitioner aggrieved by an order dated 23.01.2024, passed in E.C.Case No.113 of 2021, on the file of the respondent No.1, fixing the liability against the writ petitioner herein for an amount of Rs.15,93,864/- with 12% interest, while exonerating the respondents Nos.3 to 5 herein.

2. This matter was heard on several occasions and during the course of hearing, on the suggestion made by this Court, it is now agreed by all the parties that the writ petitioner herein has nothing to do with the respondent No.5 – Mill and he is only the son of the proprietor of the respondent No.5 – Mill. Admittedly, the son of the respondent No.2 herein, who suffered injury during the course of employment, has suffered such injury only while working in the construction activities undertaken by the proprietor of the respondent No.5 – Mill. The respondent No.5 – Mill is admittedly covered by an insurance policy issued by the respondent No.4 – Insurance Company. Therefore, the impugned order fixing liability on the writ petitioner is totally unsustainable. Sofar as the liability of the proprietor of the



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respondent No.5 – Mill being the principal employer of the injured workman is concerned, the same is not in dispute. However, it is the contention of the proprietor of the respondent No.5 - Mill that his liability is fully indemnified by virtue of the insurance policy issued by the respondent No.4 – Insurance Company covering the entire construction work.

3. However, learned counsel appearing for the respondent No.4 – Insurance Company contended that the employees of the sub-contractor of the respondent No.5 – Mill are excluded from the coverage of the insurance policy issued by the respondent No.4 – Insurance Company.

4. Under those circumstances, this Court made a suggestion that the respondent No.5 – Mill should pay an amount of Rs.3,00,000/- to the respondent No.2 as an interim arrangement and the matter be remanded back for re-adjudication by the respondent No.1.

5. All the learned counsel appearing for the parties, including the counsel for respondent No.2, expressed their willingness for such course of action and in the light of the consensus arrived by all the learned counsels, this writ petition is disposed of as under:



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- (i) The impugned order dated 23.01.2024 is set aside and the matter in E.C.Case No.113 of 2021 is remanded back to the respondent No.1 for fresh consideration.
- (ii) The respondent No.5 – Mill shall pay an amount of Rs.3,00,000/- (Rupees three lakhs only) to the respondent No.2 within a period of three weeks from the date of receipt of a copy of this order. However, the said amount of Rs.3,00,000/- shall be subject to the result of an order to be passed by the respondent No.1 pursuant to this order of remand.
- (iii) All the parties are at liberty to make their submissions before the respondent No.1.
- (iv) The amount of Rs.3,00,000/- being paid in terms of this order by the respondent No.5 - Mill in favour of the respondent No.2 shall be taken note of by the respondent No.1 while passing orders on remand.
- (v) It is made clear that the amount that is directed to be paid by the respondent No.5 - Mill in favour of the



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respondent No.2 is only a temporary measure and the same shall not be taken as acceptance of liability by the respondent No.5 – Mill.

- (vi) On remand, respondent No.1 is also further directed to dispose of the E.C.Case No.113 of 2021 on merits and in accordance with law, without being influenced by any of the observations made in Paragraph Nos.1 to 4 in this order, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order. All the observations made in this order at Paragraph Nos.1 to 4 are only for the purpose of disposal of this writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2025

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

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