



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

**Bench
Sr.No:-5
[3506]**

WRIT PETITION NO: 25082 of 2002

Divisional Engineer.,220kv Sub-station, ...Petitioner

Vs.

Kullammal and Others ...Respondent(s)

Advocate(s) for Petitioner(s): S RAVINDRANATH, V V
SATISH (SC for APEPDCL)

Advocate for Respondent: M RAVINDRANATH REDDY

CORAM : SRI JUSTICE CHALLA GUNARANJAN

DATE : 6th November 2025

The Court made the following ORDER:

The present writ petition is filed assailing the order passed in L.C.No.302 of 1999, dated 01.11.2001, by which the Assistant Labour Commissioner, Chennai, exercising powers under the provisions of Workmen's Compensation Act, 1923 (for brevity 'The Act'), awarded compensation in favour of the dependents of the deceased.

2. The writ petitioner instituted claim before the Assistant Labour Commissioner-1, Chennai (for brevity 'Authority'), under Section 10(1) of the Act, claiming compensation of Rs.2,13,570/- on account of death of their son, who was stated to have died while in employment with the respondent No.1 therein, which occurred on 13.06.1999 while attending to the works for repairing bumper on the transmission tower. It was stated that upon the occurrence of the said incident, at the instance of Assistant Junior Engineer-1, Yerraguntla, FIR came to be registered by jurisdictional police. The deceased was stated to be aged about 28 years and was earning Rs.3,000/- per month as a helper. Therefore, the claimants being father and mother, instituted claim before Authority as they resided within his jurisdiction. The writ petitioner as well as the contractor executing works were arrayed as respondents before the Authority.

3. The 1st respondent, writ petitioner herein, did not contest the matter and remained *ex parte*. The 2nd respondent filed written statement and also adduced evidence. On behalf of the claimants, mother of the deceased was examined as A.W.1 and Ex.A.W.O.1 to A.W.O.5 were marked. For the 2nd respondent, the contractor himself was examined as O.W.1 and Ex.O.W.O.1 was marked. The authority, after considering the aforesaid evidence,

ultimately came to a conclusion that there exists employer-employee relationship between the 1st respondent and the deceased, and that the deceased died while he was on duty and attending to the works of the 1st respondent. Accordingly, the Authority determined the compensation of Rs.2,16,910/- along with interest @12% per annum from the date of filing of petition and till realization. Assailing the same, the present writ petition is filed.

4. Heard Sri T. Sri Ram, learned counsel representing Sri V.V. Satish, learned counsel for the petitioner and Sri M. Ravindranath Reddy, learned counsel for the respondents.

5. Learned counsel for the petitioner contends that the Authority has no jurisdiction to decide the application filed under Section 10(1) of the Act, inasmuch as under Section 21 of the Act the claim could be entertained only by the jurisdictional commissioner where the accident has occurred, but in the present case, the incident occurred near Yerraguntla, Kadapa District, whereas the authority who exercised jurisdiction is situated at Chennai, in the State of Tamil Nadu. Therefore, the said order is clearly without jurisdiction. Since the impugned order is challenged on the ground of lack of jurisdiction, it is his

submission that writ petition is very much maintainable, though there is alternative remedy of preferring appeal against the impugned order under Section 30 of the Act.

6. *Per contra*, learned counsel for the respondents/claimants, supporting the impugned order, contends that section 21(1)(b) clearly envisages that the dependents of deceased workman were entitled to institute claim before the Commissioner where they originally reside. Since the respondents, at relevant point of time, reside at Chennai, the claim instituted before the Authority was very much maintainable. He further contends that the writ petitioner though was served with notice before the Authority, chose not to contest the matter and remained *ex parte*; therefore, it is precluded from raising such objections on the point of jurisdiction. He also contends that the order under challenge being appealable under Section 30 of the Act, even the jurisdictional aspect, if any, can always be canvassed in the appeal. Therefore, the writ petition cannot be entertained.

7. Perused the record and considered rival submissions.

8. There is no dispute with respect to the occurrence of accident near Yerraguntal, Kadapa District, and that the respondents/claimants instituted claim before the Authority at

Chennai, and not before the jurisdictional Commissioner where the accident has occurred. Section 21 of the Act deals with initiation of claims before appropriate authority, which reads as under:

“21. Venue of proceedings and transfer:- (1) Where any matter under this Act is to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before the Commissioner for the area in which:-

(a) the accident took place which resulted in the injury; or

(b) the workman or in case of his death, the dependant claiming the compensation ordinarily resides; or

(c) the employer has his registered office:

Provided that no matter shall be processed before or by a Commissioner, other than the Commissioner having jurisdiction over the area in which the accident took place, without his giving notice in the manner prescribed by the Central Government to the Commissioner having jurisdiction over the area and the State Government concerned.”

9. A cursory reading of the aforesaid provisions would indicate that any proceedings under the provisions of the Act can be maintained before the Commissioner in the area where the accident occurs or in the case of death where the dependents of deceased originally reside or where the employer has registered office. In the present case, claim was instituted by the dependents of the deceased workman at the place where they resided. Therefore, when the statute clearly envisages

entertaining the claim before the commissioner where the dependents of the deceased reside, it cannot be said that the proceedings initiated were without jurisdiction. However, learned counsel for the petitioner tried to emphasize first proviso and contended that in case such proceedings were to be entertained by the Commissioner other than one where accident has occurred, it was incumbent on such commissioner to issue notice to the jurisdictional Commissioner before proceeding with the matter. But in the present case, as no such notice was ever issued continuation of proceedings was clearly without jurisdiction.

10. On perusal of the pleadings in the writ petition, no such ground has been raised. Learned counsel for the petitioner, for the first time, has raised such an argument across the bar and at any rate, it is his case that the notice has not been issued by the Authority to the jurisdictional Commissioner before proceeding with the matter, therefore, it is for him to demonstrate the same, but the respondents/claimants cannot be called upon to establish such fact at this belated stage of proceedings. Even otherwise nothing prevented the petitioner in raising such contention before the Authority rather than remaining *ex-parte* and at any rate whether any notice was issued in terms of proviso to Section 21,

since is purely question of fact, this Court is not inclined to examine the same in writ jurisdiction. In view of the same, this Court finds that no jurisdictional error committed by the Authority in determining the claim for compensation. As against the impugned order, there is effective remedy by way of appeal under Section 30 of the Act, therefore, the petitioner could have agitated even the jurisdictional grounds in the appeal, rather than preferring the present writ petition.

11. Be that as it may, this Court, on examination of the scheme of the Act, has come to conclusion that the authority did have jurisdiction, as such, the writ petition deserves to be rejected. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any, shall also stand closed.

JUSTICE CHALLA GUNARANJAN

Date: 06.11.2025
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THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 25082/2002

Date: 06.11.2025
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