

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 10718 of 2014 (L)

PETITIONER:

SHYLAJA AGED 50 YEARS
W/O.MURALI M.K., MEKKATH HOUSE, PUTHUR P.O.
THRISSUR DISRICT.

BY ADV. SRI.RAJIT

RESPONDENTS:

1. THE DISTRICT COLLECTOR
AYYANTHOLE, THRISSUR DISTRICT.680001

2. THE DEPUTY TAHILDAR
REVENUE RECOVERY, THRISSUR-680020.

3. UNITED INDIA INSURANCE COMPANY LTD.
PARK HOUSE, ROUND NORTH, THRISSUR.680001

4. PUSPA, AGED 52 YEARS
W/O.LATE BALAN, PORATHUKARANHOUSE, AMBALLOOR
VARAKKARA P.O., THRISSUR DISTRICT.

5. JITHIN, AGED 18 YEARS
S/O.LATE BALAN, PORATHUKARAN HOUSE, AMBALLOOR
VARAKKARA P.O., THRISSUR DISTRICT.

SRI.JIKKU JACOB, GOVERNMENT PLEADER
R3 BY ADV. SRI.LAL GEORGE
R4&5 BY ADV. SRI.G.SREEKUMAR (CHELUR)
R4&5 BY ADV. SRI.K.R.ARUN KRISHNAN

R BY SRI.P.K.MANOJKUMAR,SC,UNITED INDIA INSU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

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APPENDIX

PETITIONER'S EXHIBITS

EXT.P1.TRUE COPY OF THE ORDER IN WCC NO.381/2004 DATED 6/10/2009
PASSED BY THE DEPUTY LABOUR COMMISSIONER, THRISSUR.

EXT.P2.TRUE COPY OF THE RECEIPT DATED 12/1/2010 PRODUCED BY THE
CLAIMANT BALAN @ BALAKRISHNAN IN WCC NO.381/2004 BEFORE THE LABOUR
COMMISSIONER, THRISSUR

EXT.P3.TRUE COPY OF THE NOTICE DATED 24/1/2014.

EXT.P4.TRUE COPY OF THE NOTICE ISSUED U/S.7 OF THE RR ACT DATED
24/1/2014.

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.

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Dated this the 13th day of October, 2015

JUDGMENT

This writ petition is filed challenging Exts.P3 and P4 proceedings for revenue recovery of the amount awarded in W.C.C No.381 of 2004 in the Court of Commissioner for Workmen's Compensation, Thrissur, in favour of late Balan. The proceedings are seen initiated on requisition by the Commissioner for Workmen's Compensation.

2. Respondents 4 and 5 are the wife and son of the deceased workman. Learned counsel for respondents 4 and 5 submitted that the workman had already received the amount due from the petitioner-employer as per Ext.P1 award, directly and Ext.P2 is the receipt issued by the workman. In view of the fact that the amount covered by Ext.P1 is already paid, it is not necessary to proceed against the employer.

3. I heard the learned counsel appearing on either side.

4. All parties submit that the deceased workman was paid the award amount and there is no grievance for respondents 4

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and 5, the legal heirs of the applicant before the Commissioner for Workmen's Compensation. Learned counsel for the Insurance Company submits that the amount due from them was already deposited. Thus it is clear that Exts.P3 and P4 proceedings were initiated apparently because the employer paid the amount directly, instead of remitting it in the Commissioner for Workmen's Compensation and in fact there was no circumstance to resort to such proceedings.

Therefore this writ petition is allowed directing that proceedings based on Exts.P3 and P4 shall stand closed.

Sd/-
P.V.ASHA,
JUDGE.

rkc