

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 31805 of 2010 (A)

PETITIONER(S):

**R.V. MOHAMMED, S/O.SEYDALI HAJI,
RAYAMMARAKKARU HOUSE, THAIKKADU VILLAGE,
REPRESENTED BY POWER OF ATTORNEY HOLDER K. MANOJ,
S/O. RAMACHANDRAN. M, KIZHAKKOOTTAYIL HOUSE, ANNAKARA,
P.O. POOVATHOOR, CHAVAKKAD TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.B.KRISHNAN,
SRI.R.SURAJ KUMAR,
SMT.GEETHA P.MENON,
SRI.P.M.NEELAKANDAN.**

RESPONDENT(S):

- 1. JOHN, S/O.MATHEW,
ALAPPAT HOUSE, KODANNOOR. P.O,
THRISSUR - 680 001.**
- 2. THE COMMISSIONER FOR WORKMEN'S COMPENSATION,
WORKMEN'S COMPENSATION COURT/
DEPUTY LABOUR COMMISSIONER, THRISSUR - 680 506.**
- 3. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, CHAVAKKAD - 680 506.**

**R1 BY ADVS. SRI.T.C.SURESH MENON,
SRI.JIBU P THOMAS,
SRI.P.SAPPU,
SRI.C.A.ANOOP.**

R2 & R3 BY GOVT. PLEADER SRI.P.V.ELIAS.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 DATED 21/12/2002, COPY OF THE ORDER IN W.C.C.139/1998,
WORKMEN'S COMPENSATION COURT, THRISSUR.
- EXT.P2 DATED 26/05/2003, COPY OF THE RECEIPT NO.23262 FOR THE
PAYMENT OF Rs.2,22,370/-.
- EXT.P3 DATED 25/06/2009, COPY OF THE NOTICE NO.A.1199/08 ISSUED
FROM THE WORKMEN'S COMPENSATION COURT/ DEPUTY
LABOUR COMMISSIONER, THRISSUR.
- EXT.P4 DATED 28/09/2010, COPY OF THE DEMAND NOTICE ISSUED BY
THE 3RD RESPONDENT.
- EXT.P5 COPY OF THE MEMO AND RECEIPT SHOWING THE REMITTANCE
OF Rs.75000/- ON 26/07/2011.
- EXT.P6 COPY OF THE MEMO SHOWING THE REMITTANCE OF
Rs.64,571/- ON 07/09/2011.
- EXT.P7 COPY OF THE STATEMENT OF ACCOUNTS.
- EXT.P8 COPY OF THE ORDER DATED 01/07/2003 IN I.A. NO.501/2003
IN MFA (WCC) NO.548/2003.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

C.K. ABDUL REHIM, J.

W.P.(C)No.31805 of 2010

Dated this the 20th day of February, 2015

JUDGMENT

The 1st respondent in W.C.C No.139/1998 on the files of the 2nd respondent, is the petitioner herein. By virtue of Ext.P1 order passed in the Workmen's Compensation Case, the claim of the 1st respondent herein was awarded, directing the petitioner to make payment of a sum of Rs.2,21,370/- by way of compensation together with simple interest at 12% p.a. from 04/03/1998 onwards and a sum of Rs.1000/- towards funeral expenses, within 30 days of receipt of a copy of the said order. Even though the petitioner filed appeal against Ext.P1 before this court as MFA No.548/2003, the same was dismissed. Ext.P1 award was passed on 21/12/2002. The petitioner had deposited the principal sum of Rs.2,21,370/- along with 1000/- awarded towards funeral expenses (Rs.2,22,370/-) on 26/05/2003 as evidenced from Ext.P2 receipt. After

dismissal of the appeal the petitioner had not remitted the amount of interest due. The 1st respondent thereupon approached the 2nd respondent. The 2nd respondent had issued Ext.P3 notice to the petitioner demanding payment of a sum of Rs.1,39,574/- along with interest at 12% from 26/05/2003 (the date on which the principal amount was deposited) onwards. Since the demand in the said notice was not complied with, Revenue Recovery steps were initiated and Ext.P4 notice under Section 7 and 34 of the Kerala Revenue Recovery Act was issued. It is challenging Exts.P3 and P4, this writ petition is filed.

2. There is no dispute for the petitioner with respect to the liability for Rs.1,39,574/- demanded in Ext.P3, that being the amount of interest due from the date of accident (03/04/1998) till 26/05/2003. There is also no dispute that the said amount will carry interest at 12% from 26/05/2003 onwards, till the date of actual payment. It is pointed out that this court had issued an interim order on 27/06/2011 directing the petitioner to

make payment of the sum of Rs.1,39,574/-, in two instalments. Learned Senior Counsel appearing on behalf of petitioner submitted that the amount as directed by this court was already deposited on 26/07/2011 and 07/09/2011, in instalments. It is conceded by counsel appearing on behalf of the 1st respondent that the amount so deposited were already withdrawn.

3. Since there is no dispute with respect to the liability for payment of interest, this court do not find any reason to accept the challenges raised against Exts.P3 and P4 notices. In view of the deposit already made, what remains for payment is only the portion of interest on belated payments. Learned Senior Counsel appearing for the petitioner seeks indulgence of this court in permitting payment of whatever amounts due in instalments.

4. Under the above mentioned circumstances, this writ petition is disposed of by directing the respondents to keep in abeyance all further coercive steps of recovery

initiated pursuant to Ext.P4 notice, provided the petitioner makes deposit of the entire balance amount due in four equal monthly instalments, the first of which will be paid on or before 15/03/2015 and the subsequent instalments on or before the 15th day of the succeeding three months. If there is any dispute with respect to computation of the amounts due for payment, the 2nd respondent or the authority conferred with jurisdiction under the Employees Compensation Act shall take appropriate decision.

It is made clear that if any of the instalments as directed above is defaulted payment, the respondents will be free to proceed further with the recovery steps.

**Sd/- C.K. ABDUL REHIM
JUDGE**

MJL