

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11671 of 2015

S.Kavitha

... Petitioner

Vs

- 1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Labour Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Salem District, Salem.
- 3.The Deputy Commissioner of Labour/
Commissioner of Workmen's Compensation,
414, 4th Floor, Collectorate Complex,
Salem - 636 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the third respondent to disburse the amount of Rs.3,59,480/- with interest as per the award of compensation in W.C.No.60 of 2008 dated 15.09.2009 on the file of the third respondent within the period stipulated by the Hon'ble Court.

For Petitioner : Mr.D.Nellaiappan

For Respondents : Ms.M.E.Raniselvam

Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that her husband viz., Soundarrajan was working as Lorry Driver under one P.Venkatachalam and in the course of employment, he died on 13.10.2007 due to cardiac arrest and in this regard, Munirabad Police Station of Koppal District, Karnataka has also registered a case in Crime No.34/2007 under section 174 of Cr.P.C.

3. The petitioner filed a petition in W.C.No.60 of 2008 under the Workmen Compensation Act on the file of the third respondent and an Award came to be passed for a sum of Rs.3,59,480/- and the Insurer of the above said person was directed to deposit the entire amount. Accordingly, the Insurance Company has also deposited the said sum on 22.01.2010 vide cheque No.595008 drawn on Indusind Bank, Namakkal, dated 19.01.2010, which was also credited to the third respondent Account No.875400898 Indian Bank, Gugai (Salem) Branch on 10.05.2010. The grievance expressed by the petitioner is that though the said amount was deposited as early as on 10.05.2010, it has not been disbursed to her and inspite of repeated demands stating that she has to maintain her two minor daughters and finding it difficult to eke out her livelihood, it has not been disbursed and in this regard, she sought information under the Right to Information Act and the third respondent vide reply dated 03.03.2014, has stated that a criminal case of misappropriation has been registered against the Deputy Commissioner of Labour, Mr.C.Soundarapandian and therefore, the amount has not been disbursed. The petitioner aggrieved by the non-disbursal of the compensation came forward to file this writ petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Ms.M.E.Raniselvam, learned Additional Government Pleader, who accepts notice for the respondents.

5. The learned counsel for the petitioner has drawn the attention of this Court to the typed documents and would submit that the pendency of the criminal case against the concerned Deputy Commissioner of Labour, has nothing to do with the disbursal of the amount and in all fairness, the third respondent ought to have disbursed the amount and since he has filed to do so, prays for appropriate order.

6. Per contra, the learned Additional Government Pleader, who accepts notice for the respondents would submit that on account of the pendency of the criminal case registered against the said C.Soundarapandian, the amount cannot be disbursed and decision will be taken subject to the outcome of the criminal prosecution.

7. This Court has considered the rival submissions made on either side and perused the materials placed before it.

8. The Workmen Compensation Act is in the nature of benevolent legislation and it is an undisputed fact that the Award passed in W.C.No.60 of 2008 subsists in favour of the petitioner and the compensation of Rs.3,59,480/- has also been deposited to the credit of the third respondent as early as on 10.05.2010. Merely because criminal prosecution has been launched against the Deputy

Commissioner of Labour namely, C.Soundarapandian, it cannot be said that the petitioner is not entitled to get the compensation awarded under the above said Act.

9. In the considered opinion of the Court, pendency of criminal case launched against the Deputy Commissioner of Labour is nothing to do with the disbursement of the compensation. It is always open to the concerned department to take appropriate steps against the concerned delinquent to recover the said amount in the manner known to law.

10. In the result, the writ petition is disposed of and the second respondent is directed to disburse the compensation amount of Rs.3,59,480/- lying to his credit in accordance with law to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Labour Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Salem District, Salem.
- 3.The Deputy Commissioner of Labour/
Commissioner of Workmen's Compensation,
414, 4th Floor, Collectorate Complex,
Salem - 636 001.

+1cc to Mr.D.Nellaiappan, Advocate, S.R.No.21953
+1cc to the Government Pleader, S.R.No.22098

W.P.No.11671 of 2015

JSV(CO)
CA(29/04/2015)