

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5552 of 2015

M.Selvamurthy

[Petitioner]

Vs

1 The Deputy Commissioner of Labour I
Chennai Labour Welfare Board
Building II Floor D.M.S.Campus Chennai-6

2 The Collector of Chennai
Chennai District Singaravelar Maligai
Chennai

3 Mr.Uttam Sait [Respondents]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to recover the money due and payable by the 3rd respondent in terms of the Final Award dated 19.12.2011 passed in W.C.No.175 of 2007 by the 1st respondent under the Employees Compensation Act 1923 in favour of the petitioner.

For Petitioner : Mr.J.Michael Visuvasam

For Respondents: Mr.M.L.Mahendran, GA (R1-2)

ORDER

Heard Mr.J.Michael Visuvasam, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate, accepting notice on behalf of respondents 1 and 2.

2. In the light of the direction this Court proposes to issue in this writ petition, notice to the 3rd respondent is dispensed with.

3. The petitioner seeks for a direction to the 2nd respondent to recover the amount due and payable by the 3rd respondent in terms of the award passed in W.C.No.175 of 2007 by the 1st respondent dated 19.12.2011. It is stated that as against the said award, no appeal has been preferred and the award has become final. Therefore, the petitioner requested the 1st respondent to recover the amount. The

1st respondent addressed the 3rd respondent vide communication dated 03.04.2013 to remit the amount immediately, failing which it was informed that action would be taken for recovery under the provisions of the Revenue Recovery Act, 1890 (hereinafter referred to as "the Act"). Therefore, the 1st respondent addressed the 2nd respondent vide communication dated 22.07.2013 requesting action to be initiated under the provisions of the Act. This was followed by a further reminder dated 03.09.2013. Since the 2nd respondent viz., the District Collector, Chennai has not acted pursuant to the said communication, the petitioner is before this Court.

4. In the light of the above, there will be a direction to the 2nd respondent to consider the direction issued by the 1st respondent, after issuing notice to the petitioner as well as the 3rd respondent and if no appeal has been filed against the said award, then the 2nd respondent shall initiate action for recovery of the award amount, in accordance with law. The above direction shall be complied with, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1 The Deputy Commissioner of Labour I
Chennai Labour Welfare Board
Building II Floor D.M.S.Campus Chennai-6

2 The Collector of Chennai
Chennai District Singaravelar Maligai
Chennai

+ 1 cc to M/s. J. Michael Visuvasam, Advocate SR.11513

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RJ(CO)
EU 11.03.15