



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) Nos.10359 and 12596 of 2015

Lakshmi .. Petitioner in W.P.(MD).No.10359/2015
Sornam .. Petitioner in W.P.(MD).No.12596/2015

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.
2.The Tashildar,
Radhapuram Taluk,
Tirunelveli District.

3.Subramanian @ Narayanan ..Respondents in both WPs

Prayer in W.P. (MD) .No.10359/2015 : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first and second respondent to complete the recovery proceeding against the third respondent as per Na.Ka.No.A1/771/09 dated 30.12.2009 within stipulated time by this Hon'ble Court and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

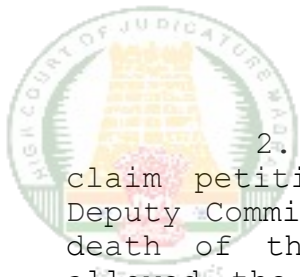
Prayer in W.P. (MD) .No.12596/2015 : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first and second respondents to complete the recovery proceeding against the third respondent as per Na.Ka.No.KA4/4703/10 dated 19.02.2010 within stipulated time by this Hon'ble Court and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner
in both Wps : Mr.M.Ramu

For Respondents
in both Wps : Mr.S.Bharathi
Government Advocate

COMMON ORDER

In both the Writ Petitions, the petitioners seek for a Mandamus directing the first and second respondent to complete the recovery proceeding against the third respondent as per Na.Ka.No.A1/771/09 dated 30.12.2009 and Na.Ka.No.KA4/4703/10 respectively.



2. It is the specific case of the petitioners that they filed claim petitions in W.C.Nos.23 and 24 of 2004 respectively before the Deputy Commissioner of Labour, Tirunelveli, claiming compensation for the death of their sons. The Deputy Commissioner of Labour, Tirunelveli allowed the said claim petitions and directed the third respondent to deposit compensation amount of Rs.3,37,830/- to each cases, which was not complied by the third respondent. Hence, the Deputy Commissioner of Labour issued notices in Na.Ka.No.A1/771/09 and Na.Ka.No.KA4/4703/10 and directed to deposit the amount, if otherwise, the recovery proceedings by the first and second respondents would be initiated under the Revenue Recovery Act. Even thereafter, the third respondent did not pay the amount but no recovery proceedings were initiated. Hence, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners would submit that the petitioners' families are below poverty line and because of untimely death of their sons, they have no income and starving for their livelihood. Since the award amount has not been disbursed, the petitioners have come before this court with the relief as stated supra.

4. The learned Government Advocate appearing for the respondents 1 and 2 would submit that necessary action would be initiated as per the proceedings in Na.Ka.No.A1/771/09 and Na.Ka.No.KA4/4703/10, on merits and in accordance with law.

5. Considering the facts and circumstances that the cases are of the year 2008, the amount of compensation has not been disbursed so far and no recovery proceedings were also initiated, the first and second respondents are directed to complete the recovery proceedings against the third respondent as per Na.Ka.No.A1/771/09 and Na.Ka.No.KA4/4703/10, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, these Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Tirunelveli District, Tirunelveli.

2.The Tashildar, Radhapuram Taluk,
Tirunelveli District.

+1cc to Special Government Pleader

Madurai Bench of Madras High Court, Madurai in SR.No. 42225.

+2cc to M/S. M.Ramu, Advocate in SR.No 42104, 42102

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