

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.12782 of 2016

P.Nallammal

...Petitioner

Vs.

1.The Deputy Commissioner of Labour
and Workmen Compensation
Salem.

2.The United India Insurance Company Limited
169, Mint Street
Chennai-

3. The Tahsildar, Fort, Tondiarpet, Chennai-3
(suo motu impleaded as per order of
this Court dated 05.04.2016).

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to pay interest at the rate of 12% p.a as per award dated 04.05.2001 passed by the 1st respondent from the date of claim petition dated 03.02.1983 to till the date of deposit of the interest of compensation.

For Petitioner : Mr.M.Aniruthan

For Respondents : Mr.M.L.Mahendran, Govt.Advocate for R1

No Appearance for R2

O R D E R

Heard Mr.Aniruthan, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate, for the first respondent. Since the Tahsildar, Fort, Tondiarpet, Chennai-3 is a proper necessary party in this writ petition, the Court suo motu impleads the Tahsildar as third respondent. In the light of the orders passed this court proposes to pass, notice to the second respondent is dispensed with.

2. Petitioner seeks for initiating appropriate proceedings to recover the interest award by the first respondent in W.C.No.41 of 1986 dated 04.05.2001. By the said order, the first respondent granted compensation to the petitioner to the tune of Rs.16,800/- and if this amount is not paid within 30 days from the date of order i.e 04.05.2001, the petitioner was entitled to recover the amount together with interest at the rate of 12% per annum. The 2nd respondent company did not pay the amount voluntarily and therefore the petitioner took steps for issuing appropriate direction for initiating revenue recovery proceedings. Accordingly, in the year 2002, Revenue recovery proceedings were initiated in proceedings No.286 of 2002 and the amount was recovered from the second respondent only on 07.08.2002. This being well beyond the period of 30 days stipulated in the order passed by the first respondent dated 04.05.2001, the petitioner requested for steps to recover the interest amount. In this regard, application is now pending before the first respondent and the information furnished to the petitioner under the right to Information Act vide reply dated 29.06.2015, it is seen that the matter is pending consideration before the first respondent.

3. In the light of the above, there will be a direction to the first respondent to proceed further pursuant to the application made by the petitioner on 22.05.2013, verify the full facts after issuing notice to the second respondent and if no appeal has been preferred as against that portion of the order in W.C.No.41 of 1986 dated 04.05.2001, awarding interest at 12% appropriate communication may be sent to the third respondent for recovery of the interest amount from the second respondent, if there is no other legal impediment. The above direction be complied with by the first respondent within a period of two weeks from the date of receipt of a copy of this order and thereafter the third respondent within a period of four weeks from the date on which the communication is sent by the first respondent.

4. Accordingly, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KPR

To

1.The Deputy Commissioner of Labour
and Workmen Compensation
Salem-636007

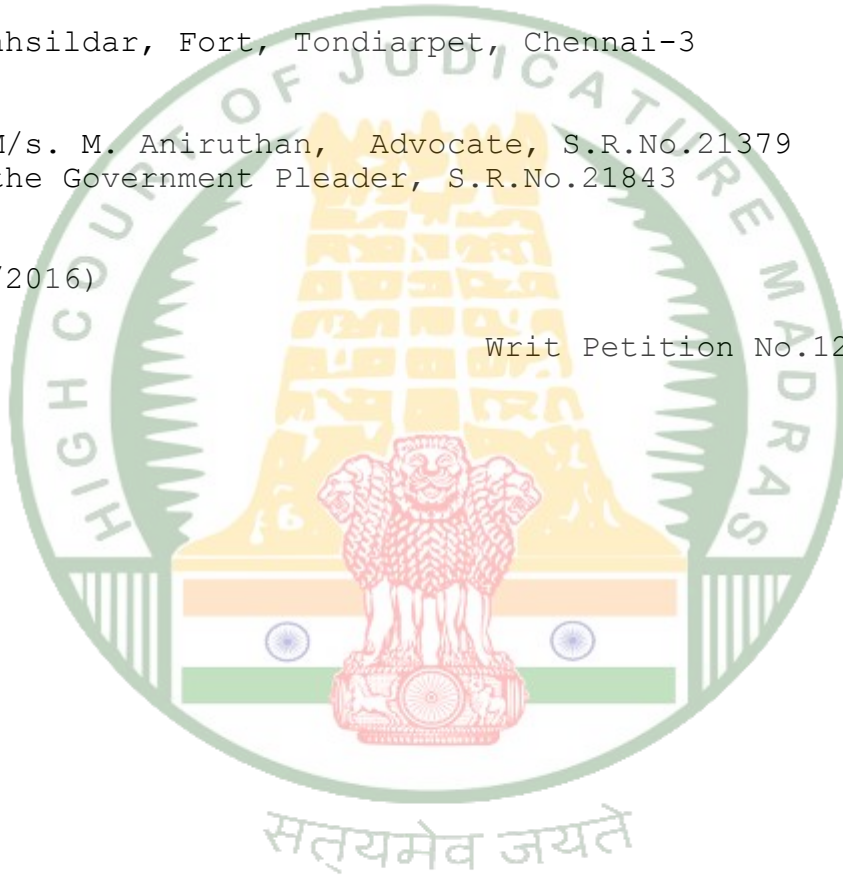
2.The United India Insurance Company Limited
169, Mint Street
Chennai-600079

3. The Tahsildar, Fort, Tondiarpet, Chennai-3

+1cc to M/s. M. Aniruthan, Advocate, S.R.No.21379
+1cc to the Government Pleader, S.R.No.21843

CNR (CO)
EU (22/04/2016)

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