

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-07-2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

WRIT PETITION No.36588 of 2015

and

WMP No.3791 of 2016

B.Banumathy

.. Petitioner

Vs.

1.The Collector of Chennai,
Chennai District,
Singaravelar Maaligai,
Chennai-600 001.

2.The Commissioner for Labour,
O/o.Workmen Compensation,
Teynampet,
Chennai-6.

3.The Deputy Commissioner for Labour,
No.II, O/o.Workmen Compensation,
Teynampet,
Chennai-6.

4.ICICI Lambard Motor Insurance,
Mumbai 403, Centre Point,
Andheri, Kurla Road,
J.B.Nagar,
Mumbai-400 059.

.. Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 to forward the Certificate as per Section 5 of the Revenue Recovery Act (Central Act 1 of 1890), to the first respondent towards the interest amount to be recovered from the fourth respondent as per Award passed in W.C.No.368 of 2009 dated 7.10.2014.

For Petitioner : Mr.M.Rajasekhar.
For Respondents-1 to 3 : Mr.V.Jayaprakash Narayanan,
Special Government Pleader.
For Respondent-4 : Mrs.R.Srividhya

O R D E R

Petitioner's husband Balachandiran, died on 13.9.2008, while he was driving a Car during his employment at R.K.Automobiles. Therefore, W.C.No.368 of 2009 was filed under Section 10 (1) of the Workmen Compensation Act. After contest, the third respondent passed an Award on 7.10.2014 ordering compensation of Rs.2,59,160/- along with interest at the rate of 12% per annum from 13.10.2008. Though the principal amount was already paid, so far interest has not been paid. Hence the petitioner has filed this writ petition, requesting the second and third respondents to intimate the first respondent to initiate proper proceedings by sending a Certificate as per Section 5 of the Revenue Recovery Act (Central Act 1 of 1890) regarding the amount due from the fourth respondent towards the interest as per the Award dated 7.10.2014. Since the fourth respondent is the Insurer of the R.K.Automobiles, the said amount has to be paid by the fourth respondent.

2. Since the interest amount has not been paid, the petitioner has come up before this Court, seeking Writ of Mandamus, directing the second and third respondents to forward the Certificate as per Section 5 of the Revenue Recovery Act to the first respondent towards the interest amount to be recovered from the fourth respondent as per the Award passed in W.C.No.368 of 2009 on 7.10.2014.

3. When the matter is called today, Mr.M.Rajasekhar, learned counsel appearing for the petitioner would submit that the fourth respondent intends to deduct TDS from the compensation amount. He would further submit that the compensation amount cannot attract any TDS deductions. However, Mrs.R.Srividhya, learned counsel appearing for the fourth respondent has produced a Banker's Cheque bearing No.850409 dated 28.6.2016 drawn on ICICI Bank, Chennai Branch for Rs.2,39,421/- without any TDS deductions. As per the judgment of this Court passed in CRP(PD) No.1343 of 2012 dated 2.6.2016, compensation amount cannot attract TDS deduction and in view of that, the fourth respondent is directed not to deduct any TDS amount from Rs.2,39,421/- which has been given by way of a Banker's cheque. The said cheque amount is directed to be encashed by the petitioner. For the said amount, the petitioner is directed to give receipt and voucher to the fourth respondent.

4. With the above directions, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Svn.

To

- 1.The Collector of Chennai,
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- 4.ICICI Lambard Motor Insurance,
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Mumbai-400 059.

+1 CC to Mrs.R.Srividhya, Advocate Sr.No.39463
+ 1 CC to Mr.M.Raja Sekhar, Advocate SR NO 38691[29/9/16]
+1 CC to Government Pleader Sr.No.38982

WP No.36588 of 2015

SVI (CO)
KP (29.07.2016)