

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4554 OF 2015

Parvathi

... Petitioner

-vs-

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

3.The Tahsildar,
Hosur,
Hosur Taluk,
Krishnagiri District.

4.Carritt Moran Company Pvt.Ltd.,
rep.by its Managing Director,
Hira Narayan, Batavarapally Village,
Bagalur Post,
Hosur Taluk, Krishnagiri District.

5.National Foods India Pvt.Ltd.,
rep.by its Managing Director,
Batavarapally Village, Bagalur Post,
Hosur Taluk, Krishnagiri District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to recover the amount of Rs.4,52,760/- under Revenue Recovery Act and consequently deposit the amount with the Hon'ble Labour Commissioner-I, Chennai-600 006, as per the order in W.C.No.29 of 2005, dated 27.03.2006.

For petitioner : Mr.Mazhaimeni Pandiyan

For respondents 1 to 3 : Mr.R.Rajeswaran,
Special Govt.Pleader.

O R D E R

Petitioner filed a petition before the competent authority exercising jurisdiction under the provisions of the Workmen's Compensation Act, claiming compensation, for the death of her only daughter, aged about 18 years, who was working in the fourth respondent mango juice manufacturing company, as a labourer. The death is said to have occurred when the petitioner's daughter was in the premises of the employer and there was a fire accident due to electrical short circuit. Claim Petition filed was numbered as W.C.No.29 of 2005 and the Labour Commissioner No.1, Chennai, computed the amount of compensation to be paid at Rs.4,52,760/- within a period of thirty days failing which the amount was to be paid together with interest at 12% per annum from the date of accident i.e., 07.12.2003. The petitioner would state that till-date, the amount has not been realised and she has not received any notice of challenge to the said order by the fifth respondent management. Therefore, the petitioner has filed an application before the Deputy Commissioner of Labour in Form-G, to take steps to recover the said amount. She has also given a representation to the District Collector, Krishnagiri, followed by a legal notice, dated 27.08.2014. Since no action has been initiated till-date, the petitioner is before this Court.

2. Since this Writ Petition is being disposed of at the admission stage without notice to respondents 4 and 5, there will be a direction to third respondent to consider the petitioner's representation, dated 27.08.2014, sent through her advocate, verify as to whether there is any appeal against the order in W.C.No.29 of 2005, by calling for necessary information from the Labour Commissioner-1, Chennai, and if no appeal has been filed, submit a report to the District Collector, to enable him to authorise the third respondent to initiate revenue recovery proceedings to recover the amount of compensation awarded. In this regard, the petitioner is directed to enclose a copy of her earlier representation, dated 27.08.2014, sent through her advocate, along with a copy of this order and forward the same to third respondent for necessary action. The above direction shall be complied with by the third respondent within a period of three months from the date on which such representation is submitted.

3. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

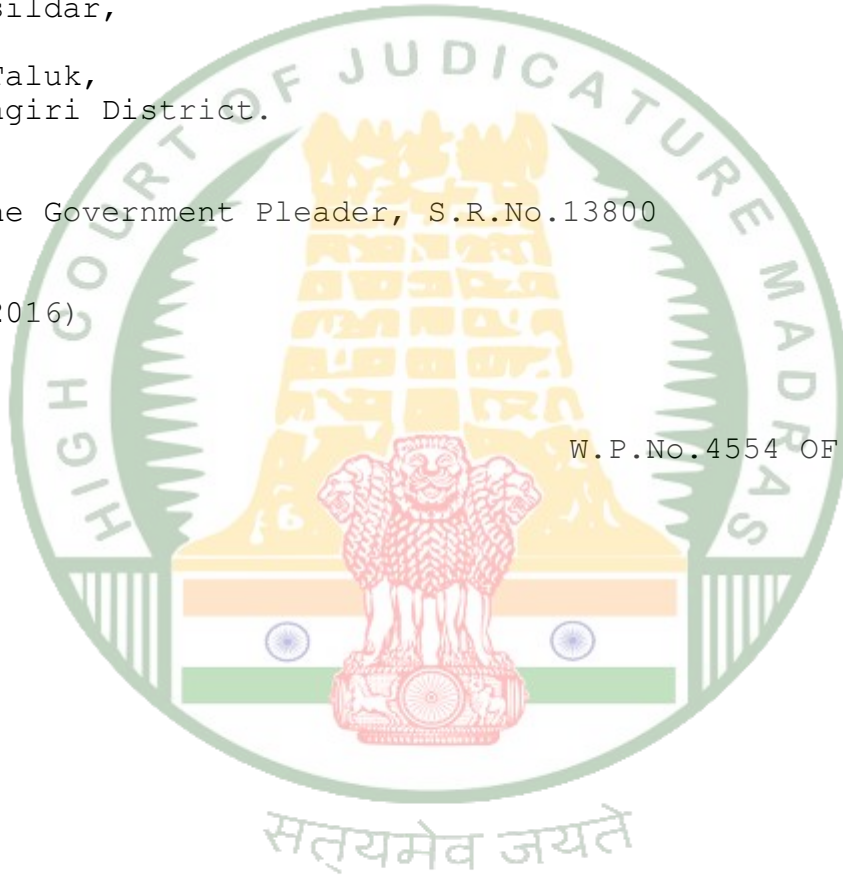
2.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

3.The Tahsildar,
Hosur,
Hosur Taluk,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.13800

CTK(CO)
EU(21/03/2016)

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