

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.14366 OF 2012
AND M.P.NO.1 OF 2013

M.Balaraman

.. Petitioner

Versus

1.The District Collector
Thiruvallur District
Thiruvallur.

2.The Oriental Insurance Co. Ltd.
CBO I X, No.28, Karpooora Street,
Periyamedu,
Chennai - 600 003.

3.The Deputy Commissioner of Labour I
Teynampet,
Chennai - 600 006.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to collect the pending interest due amount of Rs.1,66,215/- from the second respondent and pay to the petitioner along with 18% interest per annum from 21.09.2011 to till the date of the payment.

For Petitioner : Mr.Jaikumar
for M/s.T.Fennwalter Asso.
For Respondent-1 : Mr.R.Rajeswaran
Additional Government Pleader

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O R D E R

Heard Mr.Jaikumar for M/s.T.Fennwalter Associates, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Additional Government Pleader for the first respondent.

2.The petitioner seeks for recovery of the interest amount, which is due and payable to him, pursuant to the compensation, which was awarded in W.C.No.296 of 2005 by the third respondent.

3. Admittedly, as against the said order, no appeal has been preferred. Furthermore, the entire amount of compensation was not paid within the stipulated period of 30 days. Therefore, as per the order passed by the third respondent, the petitioner is entitled for interest, in terms of the provisions contained under Workman Compensation Act, 1923. In fact, the third respondent called upon the second respondent to pay interest by proceedings dated 21.09.2011. However, the second respondent did not comply with the same and no further action appears to have been taken. Therefore, the petitioner is before this Court.

4. Though notice has been served on the second respondent and the name is printed in the cause list, none appears for the second respondent. Considering the facts and circumstances of the case, there will be a direction to the third respondent to send a communication to the first respondent clearly certifying as to what is the interest entitlement of the petitioner, so as to enable the first respondent to issue necessary direction to the Tahsildar of the concerned area, to initiate revenue recovery proceedings against the second respondent and recover the amount due and payable to the petitioner. The third respondent shall comply with the above direction within a period of three weeks from the date of receipt of a copy of this order and the first respondent shall pass necessary orders, within a period of six weeks from the date on which the third respondent sends communication.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.
TK

s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Thiruvallur District
Thiruvallur.

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1 cc to Government Pleader, Sr. 22773

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