



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. (MD) No.10401 of 2011

and

M.P (MD) No.1 of 2011

Fathima

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.R.Sivalingam

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to initiate recovery proceeding under the Recovery Revenue Act for recovery the amount as per the award passed by the Deputy Commissioner of Labour, Tirunelveli in W.C.No.22 of 2004 and disburse the amount to the petitioner.

For Petitioner : Mr.H.Arumugam

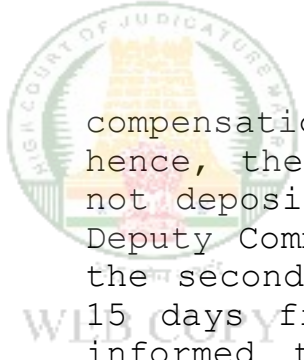
For Respondents : Mr.Aayiram K.Selvakumar

Govt. Advocate for R1

ORDER

This writ petition has been filed by the petitioner for the issuance of a Writ of Mandamus directing the first respondent to initiate recovery proceeding under the Revenue Recovery Act for recovering the amount as per the award passed by the Deputy Commissioner of Labour, Tirunelveli in W.C.No.22 of 2004 and disburse the amount to the petitioner.

2. The case of the petitioner is that she is a widow and his son, namely, Abdul Rahim was employed as Load-man in the Tractor bearing Registration No.TN 72 Y 3231 belongs to the second respondent. Unfortunately, he died on 04.04.2003 due to the accident happened in the course of employment. Thereafter, she filed a petition in W.C.No.22 of 2004 for compensation before the Deputy Commissioner of Labour, Tirunelveli, against the second respondent and against the Deputy Director, Mundunthurai Tiger Service, Tirunelveli. The Deputy Commissioner of Labour, Tirunelveli, by an order, dated 29.05.2007, directed the second respondent to deposit a sum of Rs.2,36,481/- through a DD towards



compensation. The second respondent did not prefer any appeal and hence, the award becomes final. Since the second respondent did not deposit the award amount even after expiry of two years, the Deputy Commissioner of labour issued a notice dated 09.02.2010 to the second respondent directing him to deposit the amount within 15 days from the date of receipt of a copy of this order and informed that failing which, the amount will be recovered by initiating proceeding under the Revenue Recover Act. Even thereafter, the second respondent did not pay the amount. Hence, the Deputy Commissioner of Labour recommended the first respondent to initiate proceeding under the Revenue Recovery Act by his letter dated 23.02.2010. Even though the recommendation was sent to the first respondent to initiate Revenue Recovery proceedings, the first respondent did not take any steps to recover the amount and not initiated the proceeding under the Revenue Recovery Act. Therefore, the petitioner has come before this Court with the relief as stated supra.

3. Heard Mr.H.Arumugam, learned counsel for the petitioner and Mr.Aairam K.Selvakumar, learned Government Advocate appearing for the first respondent.

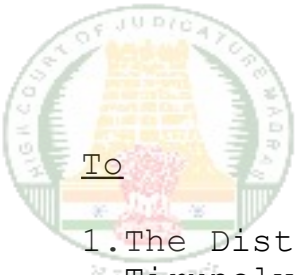
4. Admittedly, the petitioner has not given any representation to the first respondent/District Collector to recover the amount under Revenue Recovery Act and she filed the writ petition seeking a direction to the first respondent to initiate recovery proceeding under the Revenue Recovery Act for recovering the amount as per the award passed by the Deputy Commissioner of Labour, Tirunelveli in W.C.No.22 of 2004 and disburse the amount to the petitioner. Without giving any representation, the petitioner simply sought for the direction as stated supra.

5. Therefore, considering the nature of the case, the petitioner is directed to give a representation to the first respondent citing the above prayer within a period of 15 days from the date of receipt of a copy of this order. On such receipt of the representation, the first respondent is directed to initiate necessary proceedings under the Revenue Recovery Act and recover the amounts and to pay the same to the petitioner and the said exercise shall be completed within three months thereafter.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(C.O.)

/True Copy/



To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2 The Deputy Commissioner of Labour,
Tirunelveli.

+1CC to M/S. H.Arumugam, Advocate, SR.No. 59048

+1CC to the Special Government Pleader, SR.No. 59145

W.P. (MD) No.10401 of 2011
04.10.2016

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