

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12039 OF 2009

ORDER :

The case of the petitioner is that the petitioner's daughter has been working in the Jayalakshmi Rice and Flour Mill, Vanukuru, Penamaluru Mandal, Krishna District as a coolie on payment of Rs.60/- per day. While so, on 13.10.2002, petitioner's daughter died in an accident occurred in the said Rice Mill. The petitioner filed a petition in W.C.No.88 of 2005 before the Commissioner for Workmens Compensation, Eluru and after hearing the petition, the Commissioner passed an Award awarding compensation of Rs.1,73,714/- to the petitioner and directed the 3rd respondent to pay the same within 30 days from the date or receipt of the order. As the 3rd respondent has not complied with the said order, the petitioner filed another petition before the 1st respondent in W.C.M.P.No.21 of 2006 and the same was disposed of vide order dated 27.07.2007 directing the 3rd respondent to pay interest @ 6% per year over and above the awarded compensation amount of Rs.1,73,714/ within 30 days and thereafter, petitioner also made several representations for implementation of the Award. As the same is not implemented, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Government Pleader for Labour appearing for respondents 1 and 4 submits that though the 4th respondent issued show cause notice dated 04.07.2016 to 3rd respondent for

payment of compensation, the 3rd respondent did not choose to submit explanation for non-payment of the awarded amount.

It is to be seen that the Workmen's Compensation Authority passed an Award on 27.07.2007 but the same was not implemented by the 3rd respondent even after lapse of two years. Against the same, the petitioner filed writ petition in the year 2009 and the same was admitted, but it is not known why action has not been taken by the 4th respondent for all these years. It is only when the present writ petition came up for hearing the show cause notice dated 04.07.2016 has been issued to the 3rd respondent. This shows the attitude of the authorities in implementing the provisions of the Workmen's Compensation Act which is meant for speedy recovery of the compensation. It is not known why such a delay took place. Till today, there is no appearance for the 3rd respondent, though show cause notice is issued by the 4th respondent on 04.07.2016.

In view of the above facts and circumstances, since the Collector is authorised authority who is the empowered to recover the arrears under Section 5 of the Andhra Pradesh Revenue Recovery Act, the Collector, Krishna District is *suo moto* impleaded in this writ petition. In view of the letter addressed by the 4th respondent on 28.12.2016, the Collector is directed to take action for recovery of the amount by following the procedure envisaged under law. Since the Award is of the year 2007, the said exercise shall be completed within a period of three (03) months from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY, J

29.12.2016
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