

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 9431 OF 2015**

Rameshkumar Lalbahadur Yadav

..Petitioner

Vs

Commissioner, Workmen's Compensation
10th Labour Court, Bandra & Ors.

..Respondents

Ms Rina K. for Petitioner.

Mr. Sandeep Babar – AGP for State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.****DATE : AUGUST 01, 2017****P.C. :**

Feeling aggrieved by the order dated 23rd January 2014 (Exhibit 'D') passed by the Commissioner for the Employees' Compensation and Judge 10th Labour Court, Mumbai, in Recovery Application (WCA) No. 535/G-93 of 2012 in Application (WCA) 502/C-199 of 2004 (Exhibit 'D') by which the Commissioner instead of exercising powers under section 31 by proceeding himself being a Public Officer for recovering the compensation amount has sent the Recovery Certificate for effecting the recovery to the Collector, Mumbai, has filed this petition.

2] Section 31 of the Workmens' Compensation Act 1923 empowers the Commissioner to recover the payment of compensation as an arrear of land revenue and he is deemed to be a Public officer within the meaning of Section 5 of the Revenue Recovery Act 1890.

3] In the circumstances, learned counsel for the petitioner submits that the Commissioner himself should proceed in regard to the recovery of the compensation amount.

4] Having considered the submissions and having gone through section 31 of the Employees' Compensation Act, 1923, we deem it appropriate to dispose of this petition by directing the Commissioner to proceed in regard to the recovery as per the Recovery Certificate ordered to be issued by him vide Exhibit 'D' keeping in view provisions of section 31 of the Employees' Compensation Act, if there is no other legal impediment.

5] In view of this order, we direct the Collector not to proceed in respect to the Recovery Certificate issued in pursuance to the order (Exhibit 'D') but the Commissioner himself shall proceed in the matter

as expeditiously as possible. We expect the Commissioner to recover the compensation amount as expeditiously as possible but in any case not later than four months from the date of receipt of this order.

6] The petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)

Chandka