

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.31 of 2017

N.Thilakavathi

.. Petitioner

Versus

1.R.Santhamani
2.R.Saravana Babu
3.Deputy Commissioner of Labour
(Authority under Workman Compensation Act)
Coimbatore - 641 018.
4.District Collector,
Collectorate,
Coimbatore-641 018.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the fourth respondent to consider the representation dated 24.12.2016 and dispose the same as per law as sent by the petitioner requesting the fourth respondent viz. District Collector, Coimbatore to take urgent action and to take effective steps to recover the remaining portion of the award passed by Deputy Commissioner of Labour, Coimbatore vide his award passed in W.C. No.17/2008 to realise the 12% interest portion of the award from the 1st and 2nd respondents from the date of 24.06.2012 to till realisation along with Rs.1,000/- as compensation under the provisions of the Tamil Nadu Revenue Recovery Act 1864.

For Petitioner: Mr.A.Rajendiran

For Respondents: Mr.J.H.Iniyan,
Government Advocate for R3 and R4

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O R D E R

This writ petition has been filed by N.Thilakavathi, seeking a direction to the District Collector, Coimbatore/the fourth respondent herein to dispose of the pending representation dated 24.12.2016, on merits, so as to take effective steps to recover the remaining portion of the award passed by the Deputy Commissioner of Labour, Coimbatore.

2.The grievance of the petitioner is that her husband, who was an Electrician cum Plumber with the first respondent premises, died due to electrocution while he was on duty and due to the same, an F.I.R. was registered against the owner of the premises. Thereafter, the petitioner filed a petition claiming compensation under the provisions of Workman Compensation Act and an award was also passed in W.C. No.17 of 2008 dated 25.04.2012. However, the first respondent/R.Santhamani, wife of Late Ramalingam has deposited the award amount without interest. Therefore, the petitioner has given a representation on 24.12.2016 to the District Collector/fourth respondent to recover the remaining portion of the award amount namely 12% of the interest (Rs.3,73,800/-) payable from 30th day of the injury or death occurred to her husband till the date of realisation. Since the representation dated 24.12.2016 has not been considered, she has been advised to come to this Court.

3.Mr.J.H.Iniyan, learned Government Advocate takes notice for R3 and R4.

4.As it is well settled legal position that when an award is passed under the provisions of Workman Compensation Act, 1923, the legal heirs of the deceased are entitled to receive interest at the rate of 12% from 30th day of the injury or death occurred till the date of realisation. In this context, after referring to various decisions of the Apex Court and the Hon'ble Division Bench of this Court in the case of N.Ganesan v. Thilagavathi and other, 2010 (2) TN MAC 80, I have held in C.M.A. Nos.35 and 128 of 2014 dated 03.11.2016 A.Ramanathan vs. Mr.Gandhi and others that interest on the compensation amount would accrue thirty days after the date of accident and not from the date of quantification/orders passed by the Commissioner for Employees Compensation. It is pertinent to extract relevant paragraphs as under:

"25. By applying the above ratio, we are of the considered opinion that the attention of the Hon'ble Supreme Court of India was not drawn to the Larger Bench decisions reported in Pratap Narain Singh Deo v. Srinivas Sabata and another, 1976 (1) SCC 289 and Kerala State Electricity Board v. Valsala K., 2000 ACJ 5 (SC) while deciding the cases reported in 2000 ACJ 845 and Kamala Chaturvedi v. National Insurance Co. and others, 2009 (1) TAC 1.

26. The learned Judge of this Court in the decision reported in Marimuthammal @ Marimuthu and another v. R.P.P.Construction (P) Ltd., Chennai and others, 2007 (2) TN MAC 98 : 2007 (5) MLJ 1059 and A.Chairmen v.

A.Thirumeni & another, 2008 (1) TN MAC 38, after taking into consideration the above cited Larger Bench decision of the Hon'ble Supreme Court of India, has correctly held that "the interest on compensation is payable 30 days after the date of the accident in which workman sustained injuries resulting in death".

27. In the result, the reference is answered as follows:-

i. The word "falls due" occurring under Section 4-A of the Workmen's Compensation Act, 1923 in the light of the ratio laid down in the Larger Bench decision of the Hon'ble Supreme Court of India reported in Pratap Narain Singh Deo v. Srinivas Sabata and another, 1976 (1) SCC 289 and Kerala State Electricity Board vs. Valsala.K, 2000 ACJ 5 (SC), means that interest for compensation amount would accrue 30 days after the date of the accident and not from the date of quantification/ orders passed by the Commissioner for Workmen-s Compensation. (emphasis supplied)

ii. The decisions rendered by the Single Bench of this Court in the decisions reported in Marimuthammal @ Marimuthu and Another v. R.P.P.Construction (P) Ltd., Chennai and others, 2007 (2) TN MAC 98 : 2007 (5) MLJ 1059; A.Chairmen v. A.Thirumeni & another, 2008 (1) TN MAC page 38 had laid down the correct proposition in consonance with the ratio laid down by the Larger Bench of the Hon'ble Supreme Court of India in the above cited decisions.

6. In the light of the well settled legal position, it is made clear that the interest on the compensation amount would accrue thirty days after the date of accident and not from the date of quantification/orders passed by the Commissioner for Employees Compensation. In fact, while considering a similar issue in C.M.A.No.2733 of 2015 dated 30.11.2015 (Ravichandran v. Sadiq Hussain and others), I have also held that the interest at the rate of 12% per annum on the compensation shall accrue after thirty days from the date of accident until the date of deposit."

5.In the present case, admittedly, the award amount was already paid, but only the interest portion alone has not been paid. Therefore, the fourth respondent is directed to consider the plight of the petitioner and pass appropriate orders, in the light of the above ratio, within a period of three weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.Deputy Commissioner of Labour
(Authority under Workman Compensation Act)
Coimbatore - 641 018.

2.District Collector,
Collectorate,
Coimbatore-641 018.

+1 cc to Mr.A.Rajendran,advocate,sr.199

+1 cc To Government Pleader,sr.805.

rsy(co)
krd 13/2

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