

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.19198 of 2011

Selvi

..Petitioner

Versus

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Coimbatore South,
Coimbatore-641 018.

3.R.Mohan,
Proprietor, M/s.Giri Yarn Process,
1A, Sundakamathur Road,
Vyapuri Pudur,
Coimbatore-641 010.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a mandamus to direct the first respondent herein to forthwith implement the award of the Deputy Commissioner of Labour, Coimbatore dated 20.11.2009 in W.C.No.5 of 2008 by initiating action under the Revenue Recovery Act to recover the Workman Compensation amount of Rs.3,81,620/- from the 3rd respondent.

For Petitioner : Mr.P.Saravana Sowmiyan

For R1 &2 : Mr.R.S.Selvam, G.A.

For R3 : Mr.S.Mukundan for

M/s.Sarvabhawman & Associates.

ORDER

The petitioner has approached this Court seeking the following relief

'' To issue a mandamus to direct the first respondent herein to forthwith implement the award of the Deputy Commissioner of Labour, Coimbatore dated 20.11.2009 in W.C.No.5 of 2008 by initiating action under the Revenue Recovery Act to recover the Workman Compensation amount of Rs.3,81,620/- from the 3rd respondent''.

2. The case of the petitioner is as follows:

The petitioner's husband was working as Mechanic in the third respondent Factory. He died due to the accident during the course of his employment. In the said circumstances, the petitioner and her minor children approached the authorities under the Workmen's Compensation Act in W.C.No.5 of 2008. The authorities under the Workmen's Compensation Act has passed an award dated 20.11.2009 granting compensation of Rs.3,81,620/-. According to the petitioner, even though the award was passed as early as on November 2009, the same was not implemented and as far as the knowledge of the petitioner was concerned, no appeal had been preferred by the third respondent. In such circumstances, the petitioner submitted a representation to the first respondent to initiate action towards the implementation of the award. The first respondent by proceedings dated 19.07.2010, directed the second respondent to initiate action under the Revenue Recovery Act. However, till date no action has been initiated by the second respondent, although there was a direction by the first respondent for such action.

3. The petitioner's grievance is that her husband had died as early as on 06.05.2006 and in spite of lapse of several years, the family had not been compensated. More, particularly, when the compensation was awarded by the authority under the Workmen's Compensation Act to the tune of Rs.3,81,620/- by an award dated 20.11.2009 unfortunately, the same has not been implemented to the benefit of the petitioner and her family.

4. Mr.R.S.Selvam, learned Government Advocate entered appearance for the first and second respondents and filed a detailed counter affidavit and M/s.S.Mukundan, learned counsel entered appearance for the third respondent.

5.Today, when the matter is taken up for hearing, it is represented by Mr.P.Saravana Sowmiyan, the learned counsel for the petitioner that the petitioner's representation dated 20.12.2010, addressed to the first respondent may directed to be disposed of towards implementation of the award dated 20.11.2009 under the provisions of the Workmen's Compensation Act.

6. Such direction sought for cannot be objected to by the respondents. It is needless to mention in this order that there is a duty cast upon by the first and the second respondents to implement the award passed under the provisions of the Workmen's Compensation Act by initiating revenue recovery proceedings against the defaulter. Unfortunately, despite lapse of several years, it appears, no such action has been initiated or completed either by the first or second respondents. In view of the inaction on the part of the

official concerned, the petitioner and her family had been put to a lot of suffering.

7. In the above circumstances, this Court directs the first and second respondents to initiate action in response to the representation submitted by the petitioner on 20.12.2010 under revenue recovery proceedings towards full implementation of the award passed under the provisions of the Workmen's Compensation Act for a sum of Rs.3,81,620/-. The said representation shall be disposed of, by taking action under the Revenue Recovery Act, within a period of three months from the date of receipt of a copy of this order.

8. The writ petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Coimbatore South,
Coimbatore-641 018.

+ 1 cc to M/s. Sarvabhauman, Advocate SR.78201
+ 1 cc to Mr.P. Saravana Sowmiyan, Advocate Sr.78451
+ 1 cc to Government Pleader SR.78259

ar-ccc
EU(07/12/2017)

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