

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.4466 of 2015

P.Mani

.... Petitioner

- Vs -

1.The District Collector,
Thiruvallore Collectorate,
Thiruvallore.

2.The Tahsildar,
Ambathur Taluk Office,
Ambathur, Chennai.

3.The Deputy Commissioner of Labour-I,
Teynampet, Chennai-600 006.

4.K.Ramesh

5.The Tahsildar,
Taluk Office,
Maduravoyal,
Thiruvallur District.

(R5 impleaded as per order dt.07.06.2017
by MMSJ in WMP.No.38606/2016
in W.P.4466/2015)

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents 1 and 2 to take appropriate action against the fourth respondent to recover the compensation of Rs.1,95,684/- with 12% interest p.a., from the date of accident (17.01.1997), by way of demand draft as ordered in I.A.No.37/2011 in I.A.No.175/2010 in W.C.No.54 of 1999 dated 12.08.2011 under the provisions of Revenue Recovery Act within a stipulated time and to direct them to recover.

For Petitioner : Mr.A.Shanmugaraj

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader for R1
to R3 and R5
No appearance for R4

ORDER

The petitioner filed a claim petition in W.C.No.54 of 1999 against the fourth respondent. The said petition was ordered by the Commissioner for Workmen's Compensation-I, Chennai on 10.09.1999 directing the fourth respondent herein to deposit a sum of Rs.1,95,684/- with 12% interest per annum being the compensation payable to the petitioner. As the said order was not implemented, the petitioner filed the writ petition in W.P.No.4062 of 2005. In the said writ petition, this Court, by an order dated 09.02.2005, has passed the following order.

"2. Petitioner seeks for a direction to the respondents to recover the compensation of Rs.1,98,684/- with interest at 12% per annum as awarded by the first respondent in W.C.No.54 of 1999 by an order dated 10.09.1999. Inasmuch as the compensation amount has already been determined by the first respondent, the second and third respondents are directed to initiate appropriate revenue recovery proceedings for recovering the said sum of Rs.1,98,684/- with interest at 12% per annum as requested by the first respondent in his communication dated 11.01.2001. The said exercise shall be carried out by the second and third respondents within four weeks from the date of receipt of a copy of this order. The writ petition is ordered accordingly. No costs."

2. Thereafter, the respondent filed another writ petition in W.P.No.40231 of 2005, in which, this Court has passed the following order on 04.12.2006.

"In the above circumstances, the writ petition is disposed of directing the first respondent to entertain the petition filed by the petitioner for setting aside the ex-parte award and issue notice to the workman and decide the same on merits, preferably within three months from the date of appearance of the workman. As it is stated that the workman is appearing before the first respondent, there will not be any problem for the workman to appear before the first respondent. After passing orders on merits in the ex-parte order, the authority has to consider whether the petitioner is liable to pay any compensation and if so, to what amount.

4. However, in the circumstances stated, the petitioner is directed to pay Rs.5,000/- to Mr.P.Mani S/o Thiru Paramasivam, C/o Thiru A.Shanmugaraj, who is the applicant in W.C.No.54 of 1999 immediately and on proof of payment of the same, the first respondent is to entertain the petition to set aside the exparte award.

5. Since a direction is given to dispose of the ex-parte award, the proceedings of the respondents 2 and 3 are directed to be suspended till the disposal of the W.C.No.54 of 1999. The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed."

3. For non compliance of the abovesaid order, the petitioner filed contempt petition in Cont.P.No.1020 of 2005, which was closed on 16.12.2006 reserving the petitioner's liberty to work out the remedy. The petitioner filed I.A.No.175 in W.C.No.54 of 1999, in which, a sum of Rs.73,836/- was ordered with interest at 12% per annum.

4. Thereafter, the petitioner filed another interlocutory application in I.A.No.37 of 2011 in I.A.No.175 of 2010 in W.C.No.54 of 1999, by which, the earlier order passed in I.A.No.175 of 2010 was set aside on 12.10.2011 and accordingly, a sum of Rs.1,95,684/- with interest at 12% per annum was ordered as compensation restoring the order passed in W.C.No.54 of 1999.

5. From the above, it is clear that the fourth respondent is liable to pay a sum of Rs.1,95,684/- with 12% interest per annum. However, despite the efforts made by the petitioner by approaching other respondents, no steps have been taken to recover the said amount. सत्यमेव जयते

6. It is very unfortunate that the petitioner is made to run from pillar to post from the year 1989 onwards. Nearly two decades have been passed. The petitioner has been harassed being a poor workman. Accordingly, a direction is hereby issued to respondents 1, 2 and 5 (since impleaded) to see to it that the petitioner is able to enjoy the fruits of the award passed in W.C.No.54 of 1999. The said endeavour will have to be done within a period of six months from the date of receipt of a copy of this order.

7. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raa

To

1.The District Collector,
Thiruvallore Collectorate,
Thiruvallore.

2.The Tahsildar,
Ambathur Taluk Office,
Ambathur, Chennai.

3.The Deputy Commissioner of Labour-I,
Teynampet, Chennai-600 006.

4.The Tahsildar,
Taluk Office,
Maduravoyal,
Thiruvallur District.

+1cc to the Government Pleader Sr. 40742

W.P.No.4466 of 2015

GJII (CO)
VR(21/06/2017)

सत्यमेव जयते

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