

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM

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

W.P.Nos.40726 of 2016

R.Deivanai

.. Petitioner

Vs.

1.The District Collector,
The Nilgiris District.

2.The Tahsildar,
Pandalur Taluk,
The Nilgiris District.

3.The Deputy Commissioner of
Labour, Coonoor,
The Nilgiris District.

4.The Manager,
Wentworth Estate,
Cherambady Post,
Pandalur Taluk,
The Nilgiris District.

.. Respondents

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing respondents 1 to 3 to recover the award amount in W.C.No.17 of 2006 with interest from the fourth respondent as per Section 31 of the Employees Compensation Act, 1923 and disburse the same to the petitioner by considering the petitioner's representation dated 04.11.2016 to the respondents.

For Petitioner .. Mr.R.Prabakar

For Respondents .. Mr.S.Diwakar,
Spl. Govt. Pleader for R1 to R3
No appearance - R4

ORDER

The petitioner was an employee of the fourth respondent. Pursuant to the injuries sustained by him during the course of his employment with the said respondent, W.C.No.17 of 2006 was filed by the petitioner seeking compensation. An award was passed on 10.09.2007 for a sum of Rs.2,50,000/- for the disability sustained by the petitioner. Challenging the award, the fourth respondent filed a writ petition in W.P.No.3836 of 2013 and the same was dismissed by the order dated 18.02.2013. Aggrieved by the same, the fourth respondent filed a writ appeal in W.A.No.1603 of 2013. The award has become final pursuant to the dismissal of the said writ appeal. Now, the writ petition has been filed, seeking the benefit as conferred under the award.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3. Despite service of notice, none appears on behalf of the fourth respondent.

3. In the counter affidavit filed by the third respondent, it has been stated as under:

"6. I submit that, the conclusion of proceedings before Honourable High Court in WA No.1603/2013, was not known to this respondent on timely basis. In the meanwhile the petitioner on 04.11.2016 addressed a letter to this respondent, which hence is self explanatory. Thereafter disbursement order was issued by this respondent on 26.11.2016, followed by letter dated 09.12.2016 requesting bank details from the petitioner for effecting payment of compensation in W.C.No.17/2006 through RTGS. Accordingly, the petitioner furnished the details called for vide her letter dated 12.01.2017 received on 18.01.2017. based on the particular provided by the applicant the compensation amount has been sent to the petitioner's bank account through RTGS on 19.01.2017."

4. Insofar as the interest portion is concerned, respondents 1 to 3 have already initiated proceedings as seen from the counter affidavit filed, wherein, in para 8, it has been stated as under:

8. This respondent has also issued Revenue Recovery Certificate to the 1st respondent in order to recover payment of interest sum of Rs.3,35,753/- (Rupees Three Lakhs Thirty Five Thousand Seven Hundred and Fifty Three only) for the period from 08.11.2003 to 13.01.2015 vide letter No. ५/७७५-2012 dated 05.12.2016.

5.Considering the above, a direction is issued to respondents 1 and 2 to see to it that the Revenue Recovery Certificate issued by the third respondent as aforesaid is complied with by making the fourth respondent to pay the same to the petitioner either by invoking the Revenue Recovery Act or otherwise. Needful will have to be done by respondents 1 and 2 in this regard within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above observation and direction, the writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mmi

To

1.The District Collector,
The Nilgiris District.

2.The Tahsildar,
Pandalur Taluk,
The Nilgiris District.

3.The Deputy Commissioner of
Labour, Coonoor,
The Nilgiris District.

+1cc to Mr.R.Prabakar,Advocate sr.20795

+1cc to Government PLeader sr.21022

W.P.No.40726 of 2016

nrII(co)

ss(24/4/2017)

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