



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition (MD) No.4642 of 2014

Gopal

... Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.
2. The Deputy Commissioner of Labour Cum
Workmen Compensation Commissioner,
Trichy.
3. Kayalvizhi,
W/o. Baskaran,
127, Keeraikara Street,
Srirangam,
Trichy District.
4. The Tashildar,
Trichirapalli, Trichy.
5. The Branch Manager,
National Insurance Company Ltd.,
33, Promenade Road,
Cantonment, Trichy.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 4th respondent to conclude the Revenue Recovery Proceeding under the Revenue Recovery Act within a stipulated time as fixed by this Court on the basis of the order issued by the 1st respondent vide his letter Na.Ka.(G5)760/2011 dated 27.01.2011.

For Petitioner : Mr.N.Anandakumar

For R1, R2, R4 : Mr.K.Maheshraja
Government Advocate

For R3 : Dismissed for default vide
order dt. 30.11.2015

For R5 : No appearance

**ORDER**

The Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the 4th respondent to conclude the Revenue Recovery Proceeding under the Revenue Recovery Act within a stipulated time as fixed by this Court on the basis of the order issued by the 1st respondent vide his letter Na.Ka.(G5)760/2011 dated 27.01.2011.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1, 2 and 4. There is no representation for the fifth respondent.

3. According to the petitioner, he was working as Car Driver under the ownership of the third respondent herein. While travelling from Vellore to Trichy, the car met with an accident and in the impact of the accident, the petitioner was severely injured and his right leg was fractured. His spinal card was also affected and his right eye and right side of his face was also affected. At the time of the accident, the petitioner was aged 31 years old and his salary was Rs.6,000/- per month. Since the accident had caused permanent disability to the petitioner, he was thereafter unable to work as a driver.

4. In the said circumstances, an application in W.C.No.194 of 2006 was filed claiming Rs.10 lakhs as compensation for the disability suffered due to the accident under the Workmen Compensation Act before the Deputy Commissioner of Labour, Trichy. The Deputy Commissioner of Labour decided the claim of the petitioner under Workmen Compensation Act and ultimately granted a sum of Rs3,65,798/- payable to the petitioner within 30 days from the date of order failing which 12 % interest from the date of accident to be given to the petitioner. The said order was passed on 03.09.2009. In spite of communication of copy of the said award, the fifth respondent has failed to deposit the award amount to the credit of W.C.No.194 of 2006 on the file of the Deputy Commissioner, of Labour, Trichy, the second respondent herein.

5. According to the petitioner, since no appeal was filed against the award passed in W.C.No.194 of 2006, the same has become final.

6. It appears that the amount was deposited on 11.02.2010 and the second respondent has directed the fifth respondent to deposit the award amount with 12% of interest by proceeding dated 07.08.2010. According to the petitioner, the fifth respondent did not pay interest and the second respondent requested the first respondent to take action under the Revenue Recovery Act.



7. It appears that the first respondent had initiated revenue recovery proceedings and directed the fourth respondent to take effective steps to recover interest amount due under the Revenue Recovery Act. In spite of the award passed by the Workmen Compensation Act on the file of the Deputy Commissioner of Labour, Trichy as early as in the year 2006, no amount towards interest was recovered so far. In such circumstances, the petitioner is before this Court seeking issuance of writ of mandamus directing the respondent No.4 to take revenue recovery proceedings under Revenue Recovery Act.

8. I have heard the submissions made by the learned counsel on either side.

9. It is an admitted fact that the award has been passed by the Deputy Commissioner under Workmen Compensation Act and the same has attained finality. In spite of initiation of revenue recovery proceedings as early as in the year 2010, the same has not been concluded and in view of the same, the petitioner has not received interest for the amount awarded to him under the Workmen Compensation Act in the year 2006.

10. In such view of the matter, it is imperative to direct the fourth respondent to complete and conclude the revenue recovery proceedings. Therefore, a direction is issued to the fourth respondent to conclude the revenue recovery proceedings initiated against the fifth respondent as expeditiously as possible not later than 6 weeks from the date of receipt of copy of this order. After conclusion of the proceedings, the petitioner shall be informed about the same by separate communication.

11. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichy District, Trichy.

2. The Deputy Commissioner of Labour Cum
Workmen Compensation Commissioner,
Trichy.



3. The Tashildar,
Trichirapalli, Trichy.

4. The Branch Manager,
National Insurance Company Ltd.,
33, Promenade Road,
Cantonment, Trichy.

+ 1 CC TO Mr.N.ANANDAKUMAR, ADVOCATE IN SR No. 16790
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 16632

CM

TE/JC/SAR-IV : 27/04/2017 : 4P/7C

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