



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.19571 of 2017

and

W.M.P (MD) No.15857 of 2017

T.Periasamy

... Petitioner

Vs.

1. The District Collector,
Dindigul District.

2. The Commissioner for Employees Compensation/
Deputy Commissioner of Labour,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, forbearing the respondents from recovering the amount much less than Rs.2,05,408/- as per the award passed by the second respondent in W.C.No.99 of 2010 dated 30.04.2013 from the petitioner.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.S.Sadesh K Umar
Additional Government Pleader

O R D E R

The writ petition has been filed by the petitioner, who retired from service as Chief Educational Officer, Dindigul District on reaching the age of superannuation on 31.03.2010. While the petitioner was working in that post, a claim for workmen's compensation was made by one Thangammal in W.C.No.99 of 2010, before the second respondent, in which the Chief Educational Officer, Dindigul District has been shown as a respondent. The second respondent had passed an award in W.C.No.99 of 2010 granting compensation of Rs.2,05,408 by order dated 30.04.2013 against the respondents in that claim. Thereafter, notices dated 29.03.2016 and 22.05.2017 had been issued to the petitioner by the second respondent demanding as if the petitioner was liable in his personal capacity to satisfy the amount due under the aforesaid award. Aggrieved thereby, the petitioner has approached this Court for issuing a writ of Mandamus forbearing the respondents



from recovering the amount of Rs.2,05,408/- as per the award passed by the second respondent in W.C.No.99 of 2010 dated 30.04.2013 from the petitioner.

2. In pursuance of the order dated 25.10.2017 passed by this Court, the second respondent has appeared before this Court in person today and he has filed an affidavit stating that the said show cause notice issued to the petitioner in his personal capacity has been withdrawn and that the recovery of amount due under the award dated 30.04.2013 in W.C.No.99 of 2010 would be made against the concerned authorities in their official capacities.

3. Hence, the learned counsel for the petitioner sought permission of this Court to withdraw the writ petition and he has also made an endorsement to that effect. Recording the submission and endorsement so made, the writ petition is dismissed as withdrawn. No costs. Consequently, the connected W.M.P(MD)No.15857 of 2017 is also dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Dindigul District.
2. The Commissioner for Employees Compensation/
Deputy Commissioner of Labour,
Dindigul.

+1cc to Mr.V.Panneer Selvam, Advocate Sr.No.86071

+1cc to Spl.Government Pleader Sr.No.86254

VSG

VB/SV/MMS/SAR1/24/11/2017/2P/5C

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