



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P(MD)No.7061 of 2017

M.Angusamy

..Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Deputy Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Madurai.

3.R.Ganesan

4.Kalpana

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to initiate Revenue Recovery Proceedings against the 3rd and 4th respondent based on the proceedings of the 2nd respondent in Na.Ka.No.Aa4/6289/2015 dated 16.06.2016 and recover the amount awarded in W.C.No.116 of 2010 dated 18.05.2015 on the file of the Commissioner of Workmen Compensation Court, Madurai within a stipulated time fixed by this Hon'ble Court.

For Petitioner

:Mr.S.Bharathi

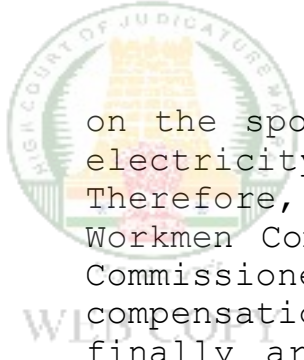
For Respondents 1 & 2 :Mr.D.Muruganantham

Additional Government Pleader

ORDER

The petitioner has approached this Court seeking a direction to the 1st respondent to initiate Revenue Recovery Proceedings against the 3rd and 4th respondent based on the proceedings of the 2nd respondent in Na.Ka.No.Aa4/6289/2015 dated 16.06.2016 and recover the amount awarded in W.C.No.116 of 2010 dated 18.05.2015 on the file of the Commissioner of Workmen Compensation Court, Madurai within a time frame.

2.The son of the petitioner, who was aged about 27 years was working as a daily wager. He was employed by a building contractor and while working at the building owned by the 3rd and 4th respondents, he came into contact with the electric wire and died



on the spot. According to the petitioner, there was a leakage of electricity due to the negligence of the persons concerned. Therefore, a petition was filed under the provisions of the Workmen Compensation Act in W.C.No.116 of 2010 on the file of the Commissioner of Workmen Compensation, Madurai for suitable compensation from the employers. The compensation amount was finally arrived by the Commissioner for Workmen Compensation at Rs.4,29,640/-. In spite of award of the amount under the provisions of the Workmen Compensation Act, the third and fourth respondents failed to comply with the order. In the above circumstances, the petitioner has approached the authorities for taking necessary action for realizing the compensation amount awarded by the Commissioner for Workmen Compensation. In response to the above, the second respondent has issued a statutory notice on 16.11.2015. Thereafter, the second respondent vide proceedings dated 16.06.2016 recommended revenue recovery action to be taken by the first respondent. In spite of the above developments, no effective action has been taken to recover the amount from the 3rd and 4th respondents, which is due and payable to the petitioner and therefore, the petitioner has approached this Court by filing this Writ Petition seeking a Writ of Mandamus.

3. Heard Mr.S.Bharathi, the learned counsel appearing for the petitioner and Mr.D.Muruganantham, the learned Additional Government Pleader appearing for the respondents 1 and 2. I have also perused the materials and the pleadings made available.

4. Considering the facts and circumstances of the case, I am of the considered view that the first respondent is to be directed to initiate action under the provisions of the Revenue Recovery Act as against the respondents 3 and 4 and recover the amount towards the compensation awarded by the authority under the Workmen Compensation Act and the same is to be paid to the petitioner.

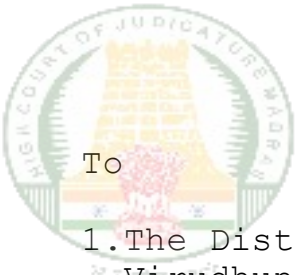
5. Accordingly, the first respondent is directed to initiate action against the respondents 3 and 4 under the Revenue Recovery Act within a period of two weeks from the date of receipt of a copy of this order and ensure that the award amount granted to the petitioner in W.C.No.116 of 2010 dated 18.05.2015, by the Commissioner of Workmen Compensation Court, Madurai is recovered and paid to the petitioner forth with.

6. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

/True copy/



To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Deputy Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Madurai.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 55123

+1 CC to M/s.S.BHARATHI, Advocate, SR No. 54456

SJ

PSM/MR/09.05.2017/3P/5C

W.P(MD)No.7061 of 2017
26.04.2017