

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10187 of 2015

G.Padmavathi

... Petitioner

Vs.

1.The Commissioner for
Workmen Compensation (Labour-2),
Teynampet, Chennai - 600 006.

2.The General Manager (Law),
Southern Railway,
Moor Market Complex,
Chennai - 600 003.

3.The District Collector,
Chennai District,
Chennai - 600 001.

4.The Tahsildar,
Egmore - Nungambakkam Taluk,
Chennai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 3 and 4 to recover the amount of Rs.1,70,440/- with interest @ 12% p.a. from the second respondent as per the Award in W.C.No.312 of 2007 dated 29.10.2013 passed by the first respondent and further directing the respondents 3 and 4 to disburse the same to the petitioner within a stipulated period of time as this Court may fix.

For Petitioner :: Mr.A.Nagarathinam
For R1, R3 & R4 :: Mr.M.Elumalai
Government Advocate
For R2 :: Mr.M.Vijay Anand

O R D E R

The relief sought for in this writ petition is to direct the respondents 3 and 4 to recover the amount of Rs.1,70,440/- with interest @ 12% p.a. from the second respondent as per the Award in W.C.No.312 of 2007 dated 29.10.2013 passed by the first respondent and further directing the respondents 3 and 4 to

disburse the same to the petitioner, within a stipulated period of time as this Court may fix.

2.The learned Government Advocate appearing on behalf of the respondents 1, 3 and 4 made a submission that already the award amount had been deposited and the same has been stated in the counter affidavit filed by the fourth respondent which is extracted hereunder:

"It is also submitted that perusal of records reveals that the second respondent i.e., the General Manager (Law) Southern Railway, Moor Market Complex, Chennai - 3 has informed that the Employee's Compensation case No.312 of 2007, a Civil Miscellaneous Appeal has been filed challenging the order dated 29.10.2013 before the Hon'ble High Court of Madras and a sum of Rs.1,70,440/- was already deposited before the Deputy Commissioner of Labour, Chennai - 6 vide cheque No.163390 dated 18.07.2014 and it was also informed to the Commissioner that the same should not be released as the Railways have already filed a Civil Miscellaneous Appeal under SR No.68 No.68322/2014 before the Hon'ble High Court of Madras and the Railway Authorities have requested not to initiate any revenue recovery proceedings, till the disposal of the Civil Miscellaneous Appeal vide their Letter No.M/P.353/CC/WCA 312/2007 dated 10.11.2014 (Copy enclosed for kind reference)."

3.In view of the fact that the award amount had already been deposited, no further adjudication is required in this writ petition in respect of the withdrawal of the said award amount. It is brought to the notice of this court that the second respondent has preferred an appeal challenging the award and the same is pending before this Court. Thus, the withdrawal of the said award amount shall be made only after the final disposal of the appeal filed by the second respondent.

4.Thus, no further adjudication is required and the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner for
Workmen Compensation (Labour-2),
Teynampet, Chennai - 600 006.

2.The General Manager (Law),
Southern Railway,
Moor Market Complex,
Chennai - 600 003.

3.The District Collector,
Chennai District,
Chennai - 600 001.

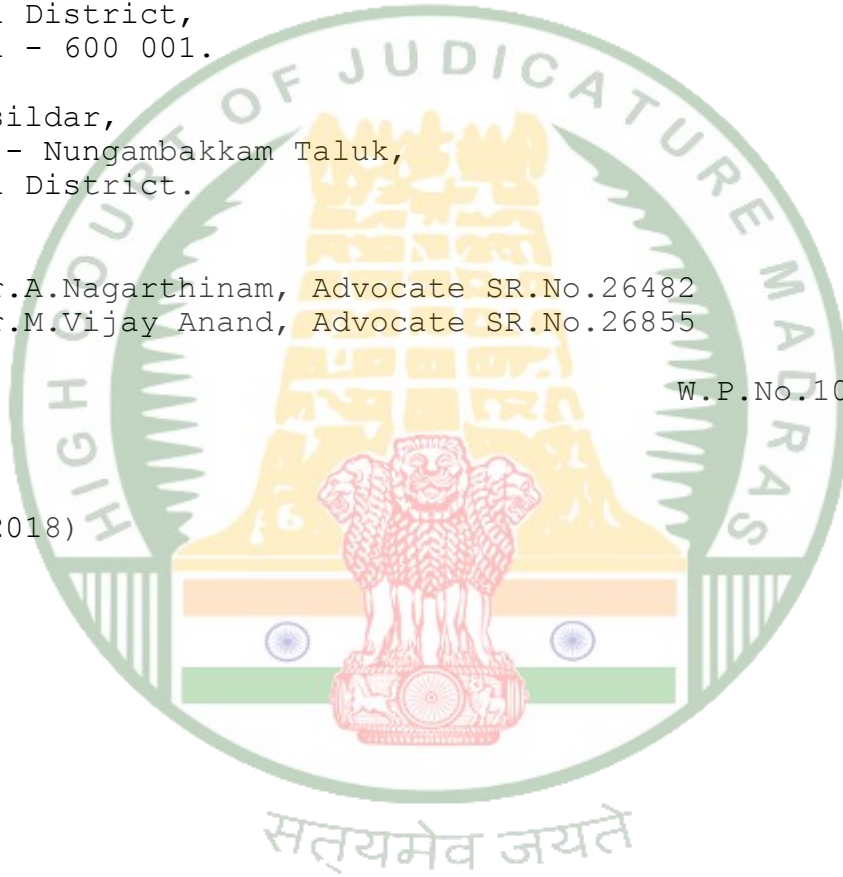
4.The Tahsildar,
Egmore - Nungambakkam Taluk,
Chennai District.

+1cc to Mr.A.Nagarthinam, Advocate SR.No.26482

+1cc to Mr.M.Vijay Anand, Advocate SR.No.26855

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SS(CO)
GN(02/05/2018)



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