

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.21016 of 2017

S.Manivel

..Petitioner

..Vs..

1.The District Collector,
Pondicherry-605 001.

2.Additional Commissioner,
for Employees Compensation,
Puducherry.

3.Aravind

4.A.Vidhya

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, to direct the 1st respondent with regard to W.C.A.No.8 of 2011, order dated 27.03.2015 to take action as per Section 5 of the Revenue Recovery Act, 1890 (No.1 of 1890) against the 3rd and 4th respondent to recover the workmen compensation award of Rs.4,62,886/- along with 12% interest to settle to the petitioner as an arrear of land revenue.

For Petitioner : Mr.S.Vijaya Raghavan

For Respondents: Mr.J.Kumaran for R 1
Additional Government Pleader (Pondy)

Mr.R.Guru Raj for R 3 & R 4

ORDER

The relief sought for in this writ petition is for a direction to direct the 1st respondent with regard to W.C.A.No.8 of 2011, order dated 27.03.2015, to take action as per Section 5 of the Revenue Recovery Act, 1890 (No.1 of 1890) against the 3rd and 4th respondent to recover the compensation awarded by the Competent Authority amounting to Rs.4,62,886/- along with the interest at the rate of 12% p.a. to be settled on the petitioner.

2.The learned counsel appearing on behalf of the writ petitioner states that the Competent Authority under the Workmen Compensation Act, passed an award of compensation in W.C.No.8 of 2011. Thereafter, a Show Cause Notice was issued on 13.07.2015, by the Additional Commissioner for Employees Compensation, Puducherry. Subsequently, on 19.08.2015, the recovery proceedings were issued and a certificate of recovery was issued on 19.08.2015 itself. In spite of the issuance of recovery certificate, the 1st respondent has not initiated any action to recover the amount of compensation from respondents 3 and 4.

3.This Court is of an opinion that once the recovery certificate is issued, it is mandatory on the part of the 1st respondent to invoke the provisions of the Revenue Recovery Act, to recover the entire compensation amount, and pay the same to the victim concerned. However, there is an enormous delay in implementing the recovery certificate by the 1st respondent. Thus, the writ petitioner is constrained to move the present writ petition.

4.The Employees Compensation Act is a welfare legislation. When a workmen meets with an accident during the course of employment, the compensation is awarded after adjudication. When the amount is not realised within a reasonable period of time, then the very purpose of object of Act would be defeated the very spirit of the Act is to ensure that the amount of compensation awarded is realised without any undue delay.

5.The first respondent is directed to recover the amount of compensation awarded by the Competent Authority under the Workmen Compensation Act from the respondents 3 and 4 and disburse the same to the writ petitioner within a period of four months from the date of receipt of a copy of this order.

6.With these observations the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

KP

To

1.The District Collector,
Pondicherry-605 001.

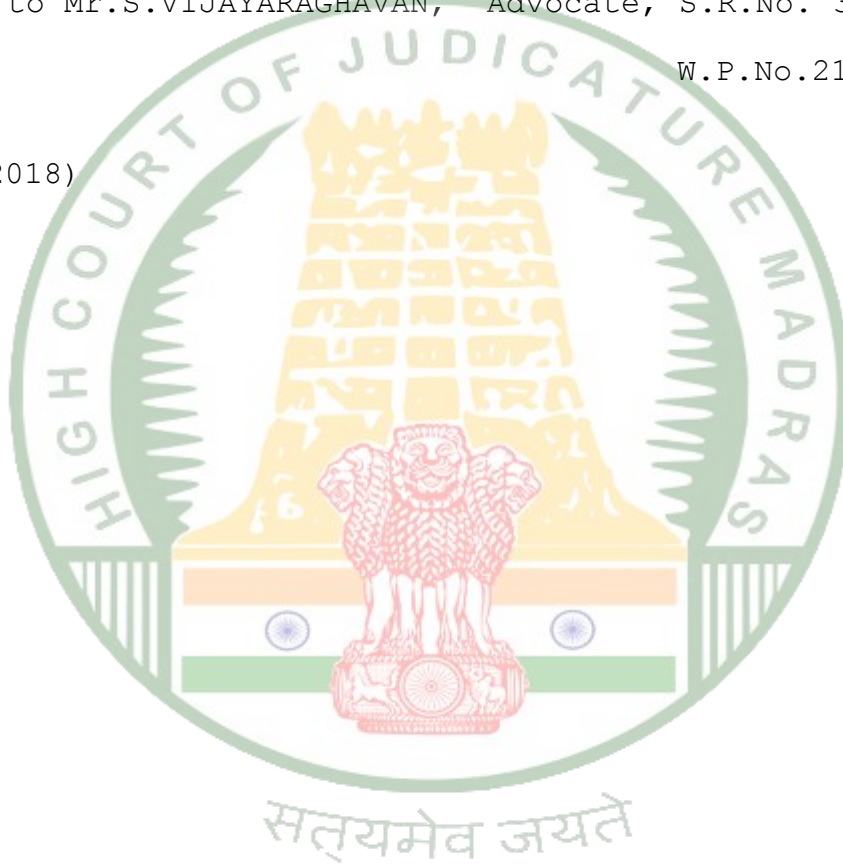
2.Additional Commissioner,
for Employees Compensation,
Puducherry.

+1cc to the Government Pleader, S.R.No. 31756

+1cc to Mr.S.VIJAYARAGHAVAN, Advocate, S.R.No. 31108

W.P.No.21016 of 2017

AK(CO)
TR(23/05/2018)



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