

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14569 of 2018

And

W.M.P.Nos.17201 and 17202 of 2018

L.Srinivasan

.. Petitioner

Versus

1.The Director of Rural Development and Panchayat,
Panagal Building,
Saidapet,
Chennai-600 015.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The Block Development Officer,
Peranamallur Block,
Tiruvannamalai District.

... Respondents

PRAYER: Writ petition is are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent herein bearing Na.Ka.No.12956/2013/Pa.Aa.5 dated 31.5.2018 and quash the same.

For Petitioner : Mr.V.Suthakar
For Respondents : Mr.V.Kathivelu,
Special Government Pleader.

ORDER

The memo, issued by the District Collector to the Block Development Officer in proceedings dated 31.5.2018, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, strenuously contended that the writ petitioner had not committed any negligence, while driving the Government

vehicle. It is at the instance of the victim, the accident took place and there was no negligence on the part of the writ petitioner in his capacity as the Driver of the Government vehicle. However, the fact remains that the victim filed MCOP No.3689 of 2013 and an Award was passed by the Motor Accident Claims Tribunal on 7.11.2017, granting compensation to the victim.

3. Pursuant to the Award passed by the Motor Accident Claims Tribunal, the authorities have initiated steps to settle the compensation amount by recovering the same from the driver/writ petitioner concerned. However, at the first instance, compensation had been settled in favour of the victim and now attempts are taken to initiate both the disciplinary proceedings as well as the recovery proceedings to recover the compensation amount awarded and paid.

4. The learned counsel for the writ petitioner contends that based on the communication sent by the District Collector to the Block Development Officer, the authorities are going to initiate steps for recovery and disciplinary proceedings. In the event of taking such an action, the writ petitioner will be aggrieved.

5. The fact remains that no such orders of recovery or the disciplinary proceedings are passed against the writ petitioner as of now. However, the learned counsel for the writ petitioner states that there is a strong apprehension that actions will be initiated soon. Such an apprehension would not constitute the cause of action for filing a writ petition under Article 226 of the Constitution of India. As of now, the writ petitioner cannot be construed as an aggrieved person. However, it is left open to the writ petitioner, if at all he decides to prefer a third party appeal against the Award passed in MCOP No.3689 of 2013. However, this Court cannot adjudicate the merits and the demerits of the findings of the Motor Accident Claims Tribunal made in the MCOP proceedings.

6. If at all the Award is passed, it is needless to state that the amount of compensation to be recovered from the driver, who had driven the vehicle at the time causing the accident. If he is able to establish that he is no way responsible or committed any act of negligence, then the same is to be established before the Accident Claims Tribunal or before the Appellate Forum, by preferring an appeal.

7. However, as far as the competent authorities of the Department are concerned, they are bound to implement the Award passed by the Motor Accident Claims Tribunal and accordingly, they had settled the Award amount to the victim. Thus, the said amount is to be recovered from the personnel concerned. In

respect of accident, the award of compensation cannot be paid from the tax payers money. The officials, who are all responsible for such accidents, to be also held liable to pay such compensation. Only if the official concerned is absolutely not responsible for any such accidents, then alone the compensation can be paid from the Government Treasury and not otherwise.

8. In case of accidents, the factual aspects considered by the Motor Accident Claims Tribunal is to be taken into account at the time of imposing recovery from the officials, who are all responsible for causing any such accidents. This being the principles to be followed, this Court is of an opinion that the writ petitioner, as of now, has not been aggrieved from any order and if at all any order of recovery or disciplinary proceedings are initiated, then it is left open to the writ petitioner to adjudicate the same in the manner known to law.

9. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Director of Rural Development and Panchayat,
Panagal Building,
Saidapet,
Chennai-600 015.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The Block Development Officer,
Peranamallur Block,
Tiruvannamalai District.

+1 cc to Mr.V.Suthakar Advocate sr 38149

W.P.No.14569 of 2018

kk(co)
aa25/06/2018