

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.19869 of 2018

P.Suresh

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Petitioner

Vs

1. The Deputy Commissioner of Labour /
Commissioner of Workmen Compensation
Salem.

2. The Deputy Commissioner of Labour /
Commissioner of Workmen Compensation
Coonoor, Nilgiris.

3. M/s.Royal Sundaram Alliance Insurance Co. Ltd.,
rep.by its Branch Manager, Sundaram Towers
45-46, Whites Road, Royapettah,
Chennai.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to disburse the compensation amount of Rs.1,35,189/- deposited by the third respondent pursuant to the award dated 01.07.2014 made in W.C.No.625 of 2009 passed by the first respondent by considering the petitioner's representations dated 14.09.2017 and 16.05.2018.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.S.Soundhararajan,
Government Advocate
for RR 1 and 2

O R D E R

The petitioner has filed the writ petition seeking direction to the first and second respondents to disburse the compensation amount of Rs.1,35,189/- deposited by the third respondent pursuant to the award dated 01.07.2014 made in W.C.No.625 of 2009.

2. The petitioner herein was employed as a cleaner in the lorry owned by one S.Thangamuthu. The said lorry was insured with the third respondent vide policy No.00066951000100. The said vehicle met with an accident in which petitioner sustained injuries. As the injuries were sustained by the petitioner in the course of his employment, he filed a claim petition for compensation in W.C.No.625 of 2009 before the first respondent. The first respondent herein, after conducting an enquiry has passed an award dated 01.07.2014 directing the third respondent to pay a sum of Rs.1,35,189/- within 30 days, failing which, to deposit the said amount with 12% interest.

3. Accordingly, the third respondent has deposited the award amount of Rs.1,35,189/- before the first respondent to the credit of W.C.No.625 of 2009. To the knowledge of the petitioner, no appeal has been preferred as against the award. It is the grievance of the petitioner that even after ten years after the incident and three years after the passing of the award, he has not been able to reap the fruits of the award despite favourable order passed by the first respondent. The petitioner has sent representations to several authorities on 14.09.2017 and 16.05.2018. Those representations did not evoke any response from any of the authorities concerned, which made the petitioner to file the present writ petition.

4. Considering the fact that the petitioner sustained injuries in the course of his employment as early as on 19.02.2008 and the award was passed by the first respondent in favour of him, it is quite unfortunate that the petitioner is still not able to get the amount disbursed in his favour. That apart, he had been running from pillar to post with representations in this regard, which were also not answered till date. Needless to point out that the orders of the Deputy Commissioner of Labour, Salem in W.C.No.625 of 2009 has been disobeyed by the the very same authority and that this wilful breach of duty amount to contempt.

5. In such circumstances, this Court will be constrained to initiate contempt proceedings against the first respondent if the said authority does not disburse the amount to the petitioner within a period of ten days from the date of receipt of copy of this order. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour /
Commissioner of Workmen Compensation
Salem.
2. The Deputy Commissioner of Labour /
Commissioner of Workmen Compensation
Coonoor, Nilgiris.
3. M/s.Royal Sundaram Alliance Insurance Co. Ltd.,
rep.by its Branch Manager, Sundaram Towers
45-46, Whites Road, Royapettah, Chennai.

+1cc to Mr.N.Manokaran, Advocate Sr.54855
+1cc to the Government Pleader Sr.55035

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