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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3590 of 2018

S.Pandi

... Petitioner

Vs.

1.The District Collector,
Madurai
Madurai District.

2.The Commissioner of Workmen Compensation,
Lake view Road,
Near Apollo Hospital,
K.K.Nagar, Madurai,
Madurai District.

3.The Deputy Commissioner of Workmen Compensation,
No.1/5C, Rathinasamy,
Madurai, Madurai District.

4.The Tahsildar,
O/o. The Tahsildar Office,
Thirumangalam,
Madurai, Madurai District.

5.Pandi

6.Sivanpandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 4 to recover the amount a sum of Rs.1,70,260/- with 12% interest per annum as awarded as compensation by the second respondent in Case No.WC.181/10 by his order dated 04.08.2011 from the respondents No.5 and 6 in accordance with Section 31 of the Workmen Compensation Act, 1923 read with Section 5 of Tamil Nadu Revenue Recovery Act, 1864 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For R1 to R4 : Mr.M.Rajarajan
Government Advocate

For R5 : Mr.S.Prabhu

**ORDER**

Heard the learned counsel on either side.

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2.The petitioner was engaged as a workman at a daily wage basis by the sixth respondent herein in the fifth respondent Mill. On 26.02.2010, an accident occurred and the petitioner suffered injuries. He said to have incurred 36% permanent disability. Therefore, the petitioner applied for payment of compensation by filing W.C.No.181 of 2010 before the second respondent herein. An award was passed on 04.08.2011 directing payment of Rs.1,70,280/- with 12% interest. The said award appears to have become final. Eventhough, recovery certificate has since been issued, till date no further action has been taken. That has necessitated filing of this writ petition.

3.I am of the view that in such cases delay is unacceptable. The third respondent is directed to take immediate steps for enforcing the award in question. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

4.It is seen that the third respondent has chosen to pass on the burden on the first respondent. As per amended statutory provisions, the third respondent himself can act in the matter.

5.With the direction to the third respondent, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

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4.The Tahsildar,
O/o. The Tahsildar Office,
Thirumangalam,
Madurai, Madurai District.

+1 CC To MR.S.PRABHU, Advocate SR. NO.95881
+1 CC To MR.AJMAL ASSOCIATES, Advocate SR. NO.95806
+1 CC TO The Special Government Pleader SR.NO. 95791

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