



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2018

CORAM:

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

W.P. (MD) No.21058 of 2015

WEB COPY
L.Lakshmi

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Deputy Commissioner of Labour
(Workmen Compensation)
Trichy.

3.Marimuthu Gounder

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to collect the compensation award amount of Rs.3,65,240/- with 12% interest from the third respondent pursuant to the order in W.C.No.25 of 2011 dated 31.03.2011 and deposit the amount to the bank account of second respondent, Deputy Commissioner of Labour, Trichy.

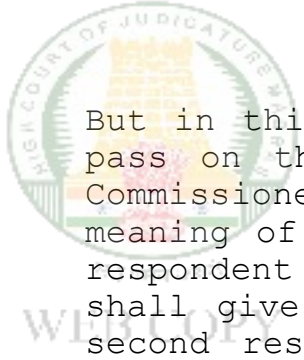
For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 & R2 : Mr.M.Rajarajan,
Government Advocate

ORDER

The petitioner filed W.C.No.25 of 2011 before the Deputy Commissioner of Labour (Workmen Compensation), Trichy. An award was passed in her favour on 31.03.2011. The Specific case of the petitioner is that the said award has become final. But it is yet to be enforced till date. As per Section 31 of the Employees Compensation Act, 1923, "*The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890*".

2.In fact, it is a statutory obligation of the second respondent to enforce the award passed in favour of the petitioner.



But in this case, it is seen that the second respondent wanted to pass on the responsibility to the first respondent. Since, the Commissioner shall also be deemed as a public officer within the meaning of Section 5 of the Revenue Recovery Act, 1890, the second respondent himself can act in the matter. The first respondent shall give his fullest cooperation to the second respondent. The second respondent shall conclude the entire proceedings within a period of four months from the date of receipt of a copy of this order.

3. Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The District Collector,
Trichy District,
Trichy.

2.The Deputy Commissioner of Labour
(Workmen Compensation)
Trichy.

+2 CCs TO Mr.N.Sudhagar Nagaraj, ADVOCATE IN SR Nos. 97463,97549.
+1 cc to Special Government Pleader, SR.No.97603.

PNN

DS SKN SAR2 24 12 2018 2P 6C

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