



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.22504 of 2017

Senthil Kumar

... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
(Employee's Compensation Officer),
Office of the Deputy Commissioner of
Labour, Madurai.

2.The District Collector,
Coimbatore District.

3.The Tahsildar, Coimbatore (South),
Coimbatore District.

4.Sethu

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the second and third respondents to recover a sum of Rs.6,36,778/- along with interest at the rate of 12% being payable to the petitioner under an award passed by the first respondent in W.C No.04/2014 under Revenue Recovery Act pursuant to the representation of the petitioner dated 24.11.2017 to the second and third respondents and consequently direct the first respondent to pay the recovered amount to the petitioner within stipulated time.

For petitioner : Mr.R.Krishnan
For Respondents : Mr.K.Saravanan,
Government Advocate for R1 to R3
Mr.T.K.Gopalan for R4

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed as a workman in the construction of the building owned by the fourth respondent. During the course of his employment, the petitioner met with an accident sustaining bone injuries. Hence, the petitioner filed WC No.4 of 2014 before the first respondent claiming compensation under Workmen Compensation Act, 1923. The first respondent by award dated



04.11.2016 directed the fourth respondent to pay a sum of Rs.6,36,778/- with interest.

3. Though the award was passed as early as on 04.11.2016, till date the petitioner is yet to obtain the fruits of the award. It is not the case of the respondents that the said award has been set aside or stayed. In these circumstances, it is the duty of the respondents 2 and 3 to enforce the said award by invoking the provisions of the Tamil Nadu Revenue Recovery Act. It is seen from the typed set of papers that the first respondent has already issued a notice to the fourth respondent in this regard.

4. The respondents 2 and 3 have also been duly informed of the passing of the award in favour of the petitioner herein. But, till date, the respondents 2 and 3 herein have not been taken any concrete steps. A statutory duty is cast on the respondents 2 and 3 in this regard. Since the statutory duty has not been discharged, the petitioner's statutory right has been frustrated. Hence, the respondents 2 and 3 are directed to take appropriate steps to enforce the award dated 04.11.2016 made in WC No.4 of 2014 on the file of the first respondent. Such steps shall be taken forthwith and without any delay. Mandamus is issued as prayed for. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

SKM

To

1. The Deputy Commissioner of Labour,
(Employee's Compensation Officer),
Office of the Deputy Commissioner of Labour, Madurai.

2. The District Collector, Coimbatore District.

3. The Tahsildar, Coimbatore (South),
Coimbatore District.

+1 CC TO Mr.P.T.S.NARENDRAVASAN , Advocate, Sr.No. 48113

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 48637

+1 CC TO Mr.R.KRISHANAN, Advocate. Sr.No.48409

JAM/29/05/2018/ SKN-RSK/SAR 2/ 2p-7c

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