

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.17522 of 2008

R.Nantheeswaran

...Petitioner

vs.

1. The Commissioner for Workmen's Compensation
and Deputy Commissioner of Labour, Salem-7.

2. Sri Rangaraj Steel and alloys (P) Ltd.,
No.36-34, Tirchy By-pass Road,
Amani Kondalampatti, Salem.

3. Amirthammal.

4. The Tahsildar,
Salem Taluk.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
to call for the records in rp/g/ 166/98/m9/dated 25.06.2008 on
the file of the 4th respondent herein and quash the same.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.J.Ramesh
Additional Government Pleader
for R1 & R4.
Mr.K.Moorthy for R2.
R3-Died

O R D E R

The recovery order dated 25.06.2008 issued by the 4th
respondent is sought to be quashed.

2. The writ petitioner is one of the legal
heir/partner in a partnership Firm namely 'Salem Security
Guard Agency'. In other words, the writ petitioner
Mr.R.Nantheeswaran is the son of Mr.Rathakrishnan, who was one
of the partners in 'Salem Security Guard Agency'. The third
respondent is the mother of the deceased person, who died,
during the course of employment. The Commissioner/first
respondent awarded a compensation under the Workmen's
Compensation Act and subsequently, the recovery certificate
was issued. Challenging the recovery certificate, the present
writ petition is filed.

3. In view of the developments took place during the pendency of the writ petition, detailed adjudication and facts are unnecessary.

4. The learned counsel for the writ petitioner made a submission that the award amount had already been deposited with the first respondent/Commissioner for Workmen's Compensation and Deputy Commissioner of Labour, Salem. However, the third respondent also died and she had no other issues. The learned Additional Government Pleader is also unable to show that any other claim was made on behalf of the third respondent, before the first respondent. Contrarily, the counter states that the award amount had been deposited and the amount is lying with the first respondent/commissioner. The learned counsel for the writ petitioner, at the outset, contends that there is no other person to claim the compensation amount.

5. Under these circumstances, the first respondent/Commissioner is directed to conduct an enquiry in respect of the legal heirs of the third respondent and if any, eligible legal heirs are available, then such compensation can be paid to them, on verification and by conducting an enquiry. In the event of no other legal heirs and there is no claim in respect of the award amount, then the first respondent is directed to deposit the said amount in the Labour Welfare Fund, with reference to Section 3 of the Tamil Nadu Labour Welfare Fund Act, 1972. Thus, the first respondent has to complete the enquiry regarding the identification of the legal heirs, within a period of three months and on the expiry of three months, the first respondent is directed to deposit the entire compensation amount along with accrued interest in the Labour Welfare Fund as per Section 3 of the Tamil Nadu Labour Welfare Fund Act within a period of four weeks thereafter.

6. It is brought to the notice of this Court by the learned members of the Bar that many such compensation amounts are lying with the competent authorities and large number of amounts are not utilized and kept without any purpose. The victims or legal heirs are not identified, the claims made by such persons for many number of years and those funds are also to be deposited in the Labour Welfare Fund as per the provisions and by following the procedures contemplated under the Tamil Nadu Labour Welfare Fund, 1972.

7. In this regard, the Commissioner of Labour and Employment Development, the Government of Tamil Nadu is directed to issue a circular to all the authorities across the State of Tamil Nadu and direct them to conduct an enquiry within a specified period, so as to settle the compensation amount already deposited along with interest and if no claim is made or amounts are not deposited, then all such compensation amounts along with accrued interest are to be

deposited in the Labour Welfare Fund as per Section 3 of the said Act. It is needless to state that in the event of pending litigation, the said procedures cannot be followed. It is made clear that the Commissioner can issue a detailed circular, contending that the procedures to be followed in this regard within a stipulated period.

8. As far as the present writ petition is concerned, the writ petitioner had already deposited the compensation amount and no further actions needs to be taken against the petitioner in respect of claim of any interest or otherwise. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssb
To

1. Commissioner for Workmen's Compensation
and Deputy Commissioner of Labour, Salem-7.
2. The Tahsildar,
Salem Taluk.
- 3.The Commissioner of Labour,
DMS, Compound,
Teynampet, Chennai 6

+1cc to Mr.V.R.Rajasekaran , Advocate SR.No. 93219
+1 cc to Government Pleader Sr.No. 93389

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A.SK(18/12/2019)

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