

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.781 of 2017
and C.M.P.No.19148 of 2019

G. Sarkarai

... Appellant

-vs-

1.P. Velazhagan

2.R. Karthic Raj

3.The District Collector,
Cuddalore,
Cuddalore District

4. The District Collector,
Thanjavur,
Thanjavur District

(Respondents 3 and 4 were impleaded as
per Order of this Court in CMP No.9050
of 2019 dated 30.08.2019)

... Respondents

Prayer: Petition filed under Section 30 of Workmen's Compensation Act against the order of Deputy Commissioner of Labour-II (Commissioner for Workmen's Compensation), Chennai made in W.C.No.465/2005 dated 23.01.2007 (received by the appellant on 31.7.2007 through his Counsel).

For Appellant : Mr.S. Ayyathurai

For R.1 : No appearance

For R.2 : Mr.K.R. Krishnan

JUDGMENT

This Civil Miscellaneous Petition is filed against the order of Deputy Commissioner of Labour-II (Commissioner for Workmen's Compensation), Chennai made in W.C.No.465/2005 dated 23.01.2007

2. No one appears for the first respondent.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the second respondent submitted that already a sum of Rs.50,000/- (Rupees fifty thousand only) was paid and the balance amount of Rs.1,50,000/- (One lakh fifty thousand only) will be paid in three equal monthly instalments to the petitioner.

4. The said statement is recorded and the second respondent is directed to pay the balance amount of Rs.1,50,000/- (Rupees one lakhs fifty thousand only) in three equal monthly instalments to the petitioner.

5. Since the first respondent is the landlord and this Court by Order dated 28.06.2019 has directed him to get demand draft from their clients for a sum of Rs.4,00,000/- (Rupees four lakhs only) and finding no response from him, this Court directed the appellant to move an application to implead the District Collector, Cuddalore, Cuddalore District and the District Collector, Thanjavur District as respondents Nos.3 and 4 since they are necessary parties to proceed for recovery of Rs.4,00,000/- with interest.

6. Accordingly, the petitioner filed an application in CMP No.9050 of 2019 for impleading the District Collector, Cuddalore, Cuddalore District and the District Collector, Thanjavur, Thanjavur District as the respondents No.3 and 4 and the said petition is allowed by this Court on 30.08.2019.

7. Therefore, both the District Collector, Cuddalore, Cuddalore District and the District Collector, Thanjavur, Thanjavur District are hereby directed to initiate recovery proceedings for recovery of Rs.4,00,000/- (Rupees four lakhs only) with interest.

8. Registry is directed to send a copy of the Order dated 28.06.2019 along with the copy of this Order to District Collector, Cuddalore, Cuddalore District and the District Collector, Thanjavur, Thanjavur District for compliance.

9. Needless to mention that both the District Collector, Cuddalore, Cuddalore District and the District Collector, Thanjavur, Thanjavur District shall proceed recovery proceedings only against the first respondent.

10. With the above direction, the civil miscellaneous appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour-II (Commissioner for Workmen's Compensation), Chennai
 2. The District Collector, Cuddalore, Cuddalore District
 3. The District Collector, Thanjavur, Thanjavur District
- +1cc to Mr.K.R. Krishnan, Advocate SR.No.75697

C.M.A.No.781 of 2017

BS (CO)
GMV(28/11/2019)