

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.03.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO.29324 OF 2018

1. Nagaraj .. Petitioners
2. Muniammal

- Vs -

1. The Deputy Commissioner of Labour
Dindigul, Dindigul District.
2. The District Collector
Tiruppur, Tiruppur District.
3. Tahsildar
Paladam Taluk, Tiruppur District.
4. Ganesan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 2nd and 3rd respondents to recover the award amount with interest of W.C. No.75/2013 dated 3.4.2017 passed by the 1st respondent from 4th respondent and deposit before the 1st respondent.

For Petitioner : Mr. J.Milton Arul Rajendran

For Respondents: Mr. J.Ramesh, AGP for RR-1 to 3

No Appearance for R-4

ORDER

The present petition has been filed by the petitioners for a direction to the respondents 2 and 3 to recover the amount awarded by the 1st respondent in W.C. No.75/2013 from the 4th respondent and deposit the same before the 1st respondent.

2. The case of the petitioners is that their son died on 22.2.2011. At the time when deceased died, he was aged 22 years. Since the deceased died during the course of employment, a claim under the Workmens' Compensation Act was filed, which was numbered as W.C. No.75/2013. The 1st respondent, after advertng to the various materials filed,

passed an award dated 3.4.2017 directing the 4th respondent to pay compensation in a sum of Rs.7,91,133/- with interest at 12% from the date of accident. Despite passing the said award, the 4th respondent did not come forward, either to deposit the amount or hand over the amount to the petitioners. Notice has also been issued by the 1st respondent to the 4th respondent to deposit the amount within a period of 30 days, vide proceedings dated 17.8.17. In spite of the said notice, there was no response from the 4th respondent. It is further averred that four letters have been issued by the 1st respondent demanding payment of the award amount by the 4th respondent. Since the award has not been complied with, the 1st respondent, vide his letter dated 9.2.19, directed respondents 2 and 3 to recover the award amount along with interest from 14.2.2011 under the provisions of the Revenue Recovery Act. In spite of the said order passed by the 1st respondent to initiate action under the Revenue Recovery Act, respondents 2 and 3 have not acted and, therefore, the petitioners are before this Court seeking issuance of a writ of mandamus.

3. In response to the writ petition, a counter affidavit has been filed by respondents 2 and 3, wherein it is stated that steps are being taken to recover the amount due from the 4th respondent as per the procedure contemplated under the Revenue Recovery Act. However, it is not clear from the counter as to what are the steps that have been taken by respondents 2 and 3 for realising the award amount from the 4th respondent despite lapse of considerable period of time from the passing of the award by the 1st respondent and the direction of the 1st respondent to respondents 2 and 3 to proceed under the Revenue Recovery Act. It is seen that the award was passed as early as on 3.4.17 and nearly two years have gone by and no amount has been realised from the 4th respondent till date.

4. Considering the entire issue, this Court is of the considered view that respondents 2 and 3 should be directed to recover the amount along with interest as ordered by the 1st respondent from the 4th respondent within a particular time frame.

5. Accordingly, this writ petition is allowed and respondents 2 and 3 are directed to recover the award amount along with interest, as ordered by the 1st respondent in W.C. No.75/2013 dated 3.4.2017 from the 4th respondent within a period of 12 weeks from the date of receipt of a copy of this order. Respondents 2 and 3 shall act promptly without further delay, since the award has been passed nearly two years ago.

5. This writ petition is allowed with the above observation and directions. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Deputy Commissioner of Labour
Dindigul, Dindigul District.

2. The District Collector
Tiruppur, Tiruppur District.

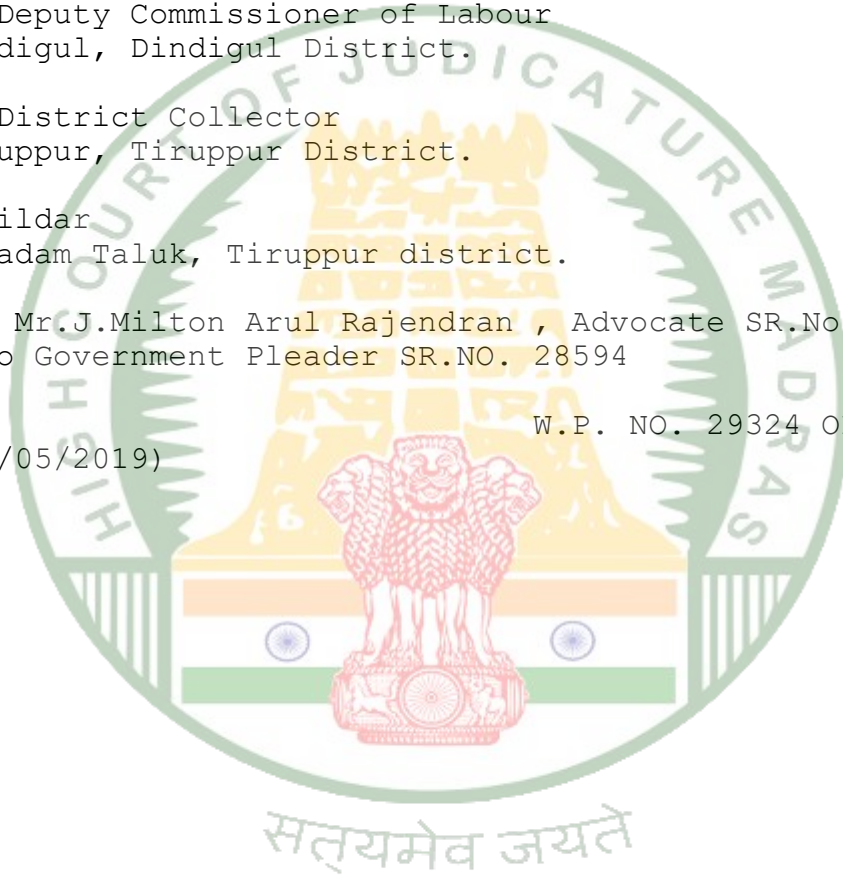
3. Tahsildar
Paladam Taluk, Tiruppur district.

+1cc to Mr.J.Milton Arul Rajendran , Advocate SR.No. 28162

+1 cc to Government Pleader SR.NO. 28594

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A.SK(02/05/2019)



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