

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.02.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO. 33705 OF 2018

K.Elangovan

.. Petitioner

- Vs -

1. The District Collector
Vellore District, Vellore - 9.

2. The Tahsildar
Thirupattur Taluk
Tirupattur, Vellore Dt.

3. The Deputy Commissioner of Labour
Salem - 8, Salem Dt.

4. P.Paramasivam

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 1 and 2 to recover the award amount of Rs.7,45,401/- along with interest @ 12% as ordered in W.C. No.472 of 2014 dated 10.3.2017 by the 3rd respondent herein under Revenue Recovery Proceedings in pursuant to the order of the 1st respondent dated 23.4.2018 and deposit the same forthwith so as to enable the petitioner to receive the same for protecting his livelihood and medical treatment.

For Petitioner : Mr. M.R.Jothimanian

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

ORDER

The petitioner was engaged by the 4th respondent for doing construction work in his real estate company. While being engaged in the work, unfortunately, the petitioner met with an accident by falling from the upstairs portion and sustained grievous injuries. The petitioner was therefore admitted in the hospital for medical treatment and eventually suffered 50% disability on account of the said accident.

2. In the above circumstances, the petitioner filed application before the authority constituted under the Workmen Compensation Act and the same was numbered as w.C. No.472/2014. The claim of the petitioner was allowed by the 3rd respondent on 10.3.2017 and the compensation was assessed at Rs.7,45,401/= along with interest @ 12% from the date, i.e., 8.6.2013. The 4th respondent was directed to deposit the award amount within one month. However, the 4th respondent failed to deposit the amount as per the directions of the 3rd respondent.

3. Since the award amount had not been deposited by the 4th respondent, an application was made to the 3rd respondent for recovery of the amount under the Revenue Recovery Act. The 3rd respondent, in turn, has directed the 1st respondent to recover the award amount from the 4th respondent by initiating revenue recovery proceedings. Thereafter, several representations were submitted by the petitioner and on 23.4.2018, the 1st respondent finally ordered initiation of revenue recovery proceedings against the 4th respondent for recovery of the award amount and directed the 2nd respondent to take steps under the Revenue Recovery Act. Despite the said order of the 1st respondent, the 2nd respondent having not taken any steps to recover the amount from the 4th respondent, the present petition has been filed by the petitioner seeking issue of a writ of mandamus to respondents 1 and 2 to recover the award amount from the 4th respondent along with interest as ordered by the 3rd respondent.

4. When the matter is taken up for hearing, learned Addl. Government Pleader appearing for respondents 1 to 3 submits that pursuant to the direction issued by the 1st respondent, the 2nd respondent has initiated steps and that part of the amount payable by the 4th respondent has been recovered. However, substantial amount remains to be recovered from the 4th respondent. Learned Addl. Government Pleader placed before the Court an undertaking given by the 4th respondent that the balance amount would be paid in instalments, which has been recorded by the 2nd respondent vide his proceedings dated 4.1.19.

5. In view of the above narrative, this Court is of the view that it would suffice if suitable direction is issued to the 2nd respondent to take effective steps to realise the amount due to the petitioner from the 4th respondent since the accident had happened as early as on 7.2.13 and that the 3rd respondent has passed the award on 10.3.17 and it is not known as for what reason the 2nd respondent has not taken suitable steps to recover the amount in time, in order to compensate the petitioner, who had suffered 50% disability.

6. In view of the discussion made above, this writ petition is allowed with a direction to the 2nd respondent to take immediate steps under the provisions of the Revenue Recovery Act and recover the amount awarded by the 3rd respondent in favour of the petitioner in full with interest @ 12% from 8.6.13 till the date of realisation of the amount and forthwith settle the amount to the petitioner without any further delay. The 2nd respondent is directed to recover the entire amount payable to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. In the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The District Collector
Vellore District, Vellore - 9.
2. The Tahsildar
Thirupattur Taluk
Tirupattur, Vellore Dt.
3. The Deputy Commissioner of Labour
Salem - 8, Salem Dt.

+1 cc to Mr.M.R.Jothimanian, Advocate Sr.No.14415

+1 cc to The Government Pleader, Sr.No.15128

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SVI (CO)

CSL/11.03.2019

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