



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.03.2019
CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. [MD] No. 4873 of 2019

S. Pandi

: Petitioner

Vs.

1. The District Collector,
District Collector Office,
Dindigul.

2. The Thasildar,
Taluk Office,
Nilakottai,
Dindigul District.

3. Jeyachandran

4. Vanitha

5. The Joint Commissioner of Labour
[Workmen's Compensation],
Dindigul.

: Respondents

(R5 is Suo Motu impleaded vide
order dated 01.03.2019)

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to recover the sum of Rs. 4,72,944/- [Four Lakhs Seventy Two Thousand Nine Hundred and Forty Four rupees] with interest at the rate of 12% per annum with effect from 12.06.2017 upto the date of recovery from the respondents 3 and 4 as per the award passed in W.C.No.69 of 2011 on the file of the Labour Commissioner Tribunal (Commissioner for Workmen's Compensation), Dindigul dated 12.06.2017.

For Petitioner : Mr. R. Karunanidhi

For Respondents 1 & 2 : M. Jeyakumar

Additional Government Pleader

O R D E R

The instant Writ Petition has been filed for a Mandamus, seeking for a direction to the respondents 1 to 2 to recover the sum of Rs. 4,72,944/- together with interest at the rate of 12% p.a. with effect from 12.06.2017, upto the date of recovery from the respondents 3 and 4 as per the award dated 12.06.2017, passed in W.C.No.69 of 2011, by the Labour Commissioner Tribunal, (Commissioner for Workmen's Compensation), Dindigul.



2.It is the case of the petitioner that an award has been passed in his favour by the Labour Commissioner Tribunal (Commissioner for Workmen's Compensation), Dindigul, by award dated 12.06.2017 in W.C.No.69/2011. According to him, eventhough the award was passed for Rs.4,72,944/-, together with interest at the rate of 12% p.a., with effect from 12.06.2017, upto the date of recovery, till date the said award amount has not been recovered by the petitioner. According to the petitioner, he has given several representations to the first and second respondents to recover the said amount by initiating revenue recovery proceedings against the third and fourth respondents and the last of such representation was given by the petitioner on 28.01.2019. Since the respondents 1 & 2 have not initiated revenue recovery proceedings for the recovery of the amount payable to the petitioner as per the award dated 12.06.2017, the petitioner has approached this court under Article 226 of the Constitution of India seeking for a Mandamus.

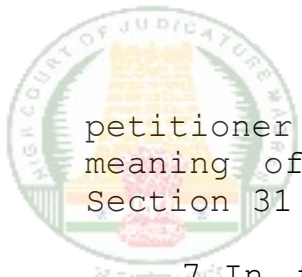
3.Heard Mr.R.Karunanidhi, learned Counsel for the petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader for the respondents.

4.Under Section 31 of the Employees Compensation Act, 1923, the Commissioner of Labour, is empowered to recover the compensation awarded to a workmen under the Employees Compensation Act, 1923 as he is deemed to be a public officer within the meaning of Section 5 of the Revenue Recovery Act, 1890. Section 31 of the Employees Compensation Act, reads as follows:

"31.Recovery: The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of Section 5 of the Revenue Recovery Act, 1890 (1 of 1890)"

5.Admittedly, in the instant case, an award has been passed in favour of the petitioner against the third and fourth respondents under the Employees Compensation Act, 1923, directing the third and fourth respondents to pay a sum of Rs.4,72,944/- together with interest at the rate of 12 % p.a. with effect from 12.06.2017 up to the date of recovery.

6.It is the case of the petitioner that the award dated 12.06.2017 has attained finality, as no appeal has been preferred against the said award. It is also the case of the petitioner that several representations were given by him to the respondents 1 and 2, calling upon them to recover the award amount. But, it is his case that till date, the award amount has not been recovered by the respondents 1 and 2. But, under Section 31 of the Employees Compensation Act, 1923, the Commissioner of Labour alone is empowered to recover the compensation amount awarded to the



petitioner and he alone is deemed to be a public officer, within the meaning of Section 5 of the Revenue Recovery Act, 1890, as per Section 31 of the Act.

7. In the instant case, the petitioner has not impleaded the Joint Commissioner of Labour, (Workmen's Compensation), Dindigul, as party to this Writ Petition. Therefore, this Court *Suo Motu* impleads the Joint Commissioner of Labour [Workmen's Compensation], Dindigul as the fifth respondent in the instant Writ Petition, in order to enable the petitioner to get the relief sought for in this Writ Petition.

8. In the result, the fifth respondent is directed to recover the compensation amount awarded to the petitioner under the award dated 12.06.2017 passed by the Labour Commissioner Tribunal [Commissioner for Workmen's Compensation] in W.C.No.69 of 2011, in accordance with Section 31 of the Employees Compensation Act, 1923, within a period of four [4] months from the date of receipt of a copy of this order.

9. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Office,
Dindigul.

2. The Thasildar,
Taluk Office,
Nilakottai,
Dindigul District.

3. The Joint Commissioner of Labour
[Workmen's Compensation],
Dindigul.

+1cc to Mr.R.Karunanidhi, Advocate, SR.No.51111
+1cc to Special Government Pleader, SR.No.51692

ORDER MADE IN
W.P. (MD) No.4873 of 2019
01.03.2019

SP/27.03.2019/ 3P/6C