

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 23.04.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**W.P. (MD) .No.5395 of 2019**

WEB COPY

Thangaamal

... Petitioner

-vs-

- 1.The District Collector,
Dindigul District, Dindigul.
 - 2.The Assistant Commissioner of Labour,
Office of Deputy Commissioner of Labour,
Dindigul, Dindigul District.
 - 3.The Head Master,
Government High School, K.Ramanathapuram,
Kovilur, Vedaendur Taluk,
Dindigul District.
 - 4.The District Educational Officer,
Palani Educational Office,
Palani, Dindigul District.
 - 5.The Chief Educational Officer,
Chief Educational Office, Dindigul,
Dindigul District.
 - 6.The President,
Parent Teachers Association,
K.Ramanathapuram Government High School,
Kovilur, Vedaundur Taluk,
Dindigul District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to implement the order passed by the second respondent herein in his proceedings in Na Ka No A6/ 1740/2014 dated 18.12.2017 to recover the amount from the 3 to 5 respondents due to be paid to the petitioner as per the award passed in P.G.No. 99 of 2010 by the second respondent dated 20.04.2013 within a specific time as stipulated by this Honourable Court.

For Petitioner : Mr.S.Sarvagan Prabhu

For R-1 & R-2 : Mr.M.Jeyakumar



For R-4 & R-5 : Mrs.S.Srimathy

Special Government Pleader

ORDER

The instant Writ Petition has been filed for a Mandamus to direct the first respondent to implement the order passed by the second respondent herein in his proceedings in Na Ka No. A6/1740/2014, dated 18.12.2017 and also to recover the amount due to to be paid to the petitioner from the respondents 3 to 5, as per the award passed in P.G.No. 99 of 2010, by the second respondent, dated 20.04.2013, within a specific time as stipulated by this Court.

2. It is the case of the petitioner that her husband died during the course of his employment with the third respondent School on 27.01.2010. Thereafter, the petitioner approached the second respondent under the Workman Compensation Act, seeking compensation from the third respondent School for the death of her husband late Chinnakalai.

3. According to the petitioner, by an order dated 20.04.2013, in P.G.No. 99 of 2010, the second respondent directed the third to sixth respondents to pay a sum of Rs.6,24,495/- along with the proportionate interest as compensation to the petitioner. According to the petitioner, subsequent to the passing of the order dated 20.04.2013 in P.G.No. 99 of 2010, the sixth respondent paid a sum of Rs.1,30,000/- to the petitioner. According to the petitioner, the remaining amount will have to be paid by the respondents 3 to 5 and according to her, till date, the said amount has not been paid by them to the petitioner.

4. It is also the case of the petitioner that several requests were made to the first respondent to recover the amount payable by the third to sixth respondents to the petitioner as per the order dated 20.04.2013 in P.G.No. 99 of 2010. According to the petitioner, last of such representation was sent to the first respondent by the petitioner on 20.03.2017. But according to the petitioner, till date, no revenue recovery proceedings has been initiated by the first respondent to recover the amount due and payable by the respondents 3 to 5 to the petitioner.

5. Heard Mr.S.Sarvagan Prabhu, learned counsel appearing for the petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 4 and 5.

<https://hcservices.courts.gov.in/hcservices/> 6. Under Section 31 of the Employees Compensation Act, 1923, the Commissioner may recover as an arrear of land-revenue any



amount payable by any person under the 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.

7. As seen from Section 31 of the Employees Compensation Act, 1923, it is evidently clear that the Commissioner has got the powers to recover the compensation amount payable to the petitioner from the third to fifth respondents as an arrear of land-revenue and initiate the revenue recovery proceedings under the Provisions of Revenue Recovery Act, 1890. As seen from the affidavit filed in support of this Writ Petition, till date, despite several representations given by the petitioner to the second respondent, the revenue recovery proceedings has not been initiated by the second respondent to recover the amount payable to the petitioner from the third to fifth respondents. Therefore, this Court finds merit in the Writ Petition filed by the petitioner.

8. In the result, the second respondent is directed to initiate revenue recovery proceedings against the respondents 3 to 5 for recovering the balance amount, out of the total sum of Rs.6,24,495/- together with proportionate interest after adjustment of a sum of Rs.1,30,000/- paid by the respondent No.6, as per the order dated 20.04.2013, passed in P.G.No. 99 of 2010, under Section 31 of the Employees Compensation Act, 1923, read with Section 5 of the Revenue Recovery Act, 1890.

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

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
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2.The Assistant Commissioner of Labour,
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Palani, Dindigul District.

5.The Chief Educational Officer,
Chief Educational Office, Dindigul,
Dindigul District.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-62045[F] dated
24/04/2019)

+1 CC to M/s.SPL GP (SR-62113[F] dated 24/04/2019)

tsg

Order made in
W.P. (MD) .No.5395 of 2019
23.04.2019

KM/(10.05.2019) 4P 8C