



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.2833 of 2019

V.Jeyaraj

... Petitioner

Vs.

1.The District Collector,
Camp Office, Thirupur,
Thirupur District.

2.The Tahsildar,
Taluk Office,
Thirupur Town,
Thirupur District.

3.The Deputy Commissioner of Labour,
Madurai.

4.G.Karthikeyan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to recover the awarded amount of Rs.4,42,400/- with interest Rs.1,94,656/- passed in W.C.No.341 of 2008 on the file of the third respondent ie., Deputy Commissioner of Labour, Madurai from the fourth respondent under the Revenue Recovery Act within a time frame as fixed by this Court.

For Petitioner : Mr.SO.Paramasivam

For R1 to R3 : Mr.N.Shanmugaselvam
Additional Government Pleader

R4 : No Appearance

ORDER

The instant writ petition has been filed for a Mandamus to direct the first and second respondents to recover the awarded amount of Rs.4,42,400/- together with interest amount of Rs.1,94,656/- passed in W.C.No.341 of 2008 on the file of the third respondent ie., Deputy Commissioner of Labour, Madurai, from the fourth respondent under the Revenue Recovery Act, within a time frame to be fixed by this Court.



2.It is the case of the petitioner that he was awarded compensation under the Workmen's Compensation Act, 1923 against the fourth respondent and an award dated 01.04.2015 was passed by the third respondent in W.C.No.341 of 2008.

3.According to the petitioner, till date, the fourth respondent has not paid the awarded amount. Even though the award has attained finality, no appeal has been filed against the said award.

4.In such circumstances, this writ petition has been filed seeking for a direction to the respondents 1 and 2 to recover the awarded amount in accordance with Section 31 of the Employee's Compensation Act, 1923.

5.Heard Mr.SO.Paramasivam, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents 1 to 3.

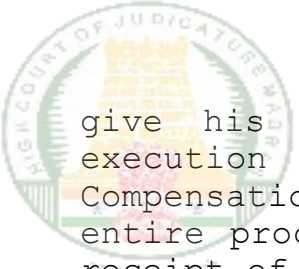
6.In the case on hand, it is an admitted fact that the award passed in favour of the petitioner by the third respondent in W.C.No.341 of 2008 dated 01.04.2015, has attained finality. Even though the award has been passed in the year 2015, till date the amount has not been recovered from the fourth respondent by the petitioner.

7.It is also the case of the petitioner that despite his best efforts to recover the same, he has not been able to recover the amount from the fourth respondent. Section 31 of the Employee's Compensation Act, 1923 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)."

8.As seen from the aforesaid provision of law, the Commissioner of Labour 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). In fact, it is the statutory duty of the third respondent to enforce the award passed in favour of the writ petitioner.

9.In the case on hand, the third respondent has already forwarded the award to the first respondent on 29.10.2018 for the purpose of enforcement of the award against the fourth respondent in favour of the petitioner. The third respondent is directed to enforce the award passed in favour of the petitioner in W.C.No.341 of 2008 against the fourth respondent and the first respondent shall



give his fullest cooperation to the third respondent for the execution of the award in terms of Section 31 of the Employee's Compensation Act, 1923. The third respondent shall conclude the entire proceedings within a period of four months from the date of receipt of a copy of this order.

10. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The District Collector,
Camp Office, Thirupur,
Thirupur District.

2. The Tahsildar,
Taluk Office,
Thirupur Town,
Thirupur District.

3. The Deputy Commissioner of Labour,
Madurai.

+1 CC to M/s. SPL GP (SR-57391[F] dated 28/03/2019)

+1 CC to M/s. SO. PARAMASIVAM, Advocate (SR-57784[F] dated 29/03/2019)

W.P. (MD) No. 2833 of 2019
27.03.2019

rmi
ES/DS/15.04.2019/3P/6C