



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19838 of 2019

S.Krishnan

... Petitioner

-Vs-

1.The District Collector,
Dindigul, Dindigul District.

2.The Deputy Commissioner of Labour,
(Commissioner for Workman Compensation),
Dindigul, Dindigul District.

3.Tamilan @ Palanisamy
4.Theiventhiran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to initiate proceedings against the respondents 3 and 4 to recover the award amount along with interest as per award in W.C.No.105 of 2016, dated 20.11.2017 on the file of the second respondent payable to the petitioner by invoking Revenue Recovery Act.

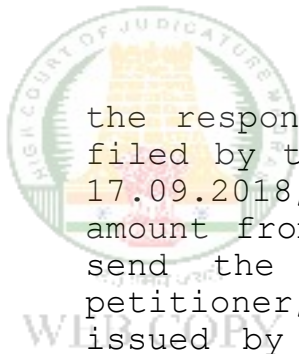
For Petitioner : Mr.S.C.Herold Singh

For R1 and R2 : Mr.V.Anand,
Government Advocate.

ORDER

This Writ Petition is filed for a direction to the first respondent to initiate proceedings against the respondents 3 and 4 to recover the award amount along with interest as per award in W.C.No.105 of 2016, dated 20.11.2017 on the file of the second respondent, payable to the petitioner by invoking Revenue Recovery Act.

2.While the petitioner's wife was in service under the respondents 3 and 4, she died. Therefore, the petitioner has filed W.C.No.105 of 2016 before the second respondent, claiming compensation of Rs.15,00,000/-. The second respondent, by the order dated 20.11.2017, directed the respondents 3 and 4 to pay a sum of Rs.7,00,000/- along with 12% interest to the petitioner. However,



the respondents 3 and 4 did not pay the amount. On the petition filed by the petitioner, the second respondent, by the order dated 17.09.2018, requested the first respondent to recover the said amount from the respondents 3 and 4 under Revenue Recovery Act and send the same to the second respondent. According to the petitioner, the first respondent has not acted upon the proceedings issued by the second respondent and has not taken any steps to recover the amount from the respondents 3 and 4. In such circumstances, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and perused the materials available on record carefully.

4. The grievance of the petitioner is that inspite of the proceedings being issued by the second respondent, as per the provisions of the Employees Compensation Act, requesting the first respondent to recover the amount awarded as compensation from the respondents 3 and 4 and pay the same to the second respondent, the first respondent has not taken any steps.

5. Considering the fact that the second respondent has issued proceedings dated 17.09.2018, requesting the first respondent to recover the compensation amount from the respondents 3 and 4 as per the provisions of the Act, the first respondent is directed to recover the compensation amount from the respondents 3 and 4 as per the proceedings issued by the second respondent, within a period of six weeks from the date of receipt of a copy of this order and send the same to the second respondent, so that the petitioner can receive the amount from the second respondent.

6. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The District Collector,
Dindigul, Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Commissioner of Labour,
(Commissioner for Workman Compensation),
Dindigul, Dindigul District.

+1 CC to M/s.SPL GP (SR-92141[F] dated 16/10/2019)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-92192[F] dated
16/10/2019)

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JMN(23.10.2019) 3P : 5C