



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **14.11.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1230 of 2019

Tamilan @ Palanisamy

... Appellant/3rd Respondent

Vs.

1.S.Krishnan

2. The District Collector,
Dindigul District.

3.The Deputy Commissioner of
Labour (Commissioner for Workmen Compensation)
Dindigul, Dindigul District.

4.Theiventhiran

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to call for the records in W.P.(MD)No.19838 of 2019 and set aside the order dated 15.10.2019 by allowing this writ appeal.

Prayer in WP(MD). 19838/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st Respondent to initiate proceedings against the 3rd and 4th respondent to recover the award amount along with interest as per award in WC.No.105/2016 dated 20-11-2017 on the file of the 2nd Respondent payable to the petitioner by invoking Revenue Recovery Act.

For Appellant : Mr.A.Haja Mohideen
For R1 : Mr.S.C.Herold Singh
For R2 and R3 : Mr.S.Angappan
Government Advocate



JUDGMENT

[Judgment of this Court was delivered by **T.S.SIVAGNANAM, J.**]

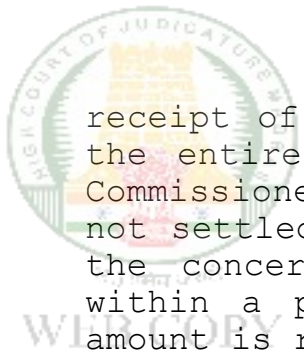
Heard Mr.A.Haja Mohideen, learned counsel for the appellant, Mr.S.C.Herold Singh, learned counsel for the first respondent and Mr.S.Angappan, learned Government Advocate for the second and third respondents. By consent on either side, this writ appeal is taken up for final disposal.

2. The appellant is aggrieved by the direction issued in W.P. (MD)No.19838 of 2019, dated 15.10.2019. The first respondent approached the Deputy Commissioner of Labour, appropriate authority under the Workmen Compensation Act claiming compensation for the demise of the first respondent's wife, who was under the employment of the appellant. The Deputy Commissioner of Labour computed the compensation payable and passed the order, dated 20.11.2017 directing payment of salary of Rs.7,93,240/- along with interest at 12%. The said order has become final. Since the amount was not paid, the first respondent / writ petitioner sought for a direction upon the Revenue Authorities to initiate revenue recovery proceedings to recover the said amount. Since the application was kept pending, he filed writ petition. The learned writ Court, after taking note of the facts into consideration, issued the impugned direction.

3. The learned counsel for the appellant has elaborately argued contending that the order passed by the Deputy Commissioner of Labour is unsustainable in law. Further the appellant was impleaded as the owner of the tractor, in the absence of any proof in spite of the fact that the Registration Certificate stands in the name of the fourth respondent herein. Further, it is submitted that the *ex-parte* order passed by the Deputy Commissioner of Labour is not sustainable, since compromise talks were going between the appellant and the family members of the deceased victim.

4. In our considered view these are the grounds that could have been pleaded, if the appellant had filed an appeal before the appellate authority under the Workman Compensation Act challenging the award passed in W.C.No.105 of 2016, dated 20.11.2017. In this appeal, we cannot test the correctness of the appeal, which has attained finality in the year 2017 itself. Even before us, the learned counsel for the appellant submitted that the appellant is ready to settle the matter. We do not propose to defer the proceedings any further because, this was the identical statement even before the Deputy Commissioner of Labour, when the matter was pending before him. We find that there is absolutely no ground made out to interfere with the order passed in the writ petition.

5. Accordingly, this writ appeal fails and the same stands dismissed. We grant the appellant three weeks time from the date



receipt of a copy of this order to enable the appellant to settle the entire claim together with interest as awarded by the Deputy Commissioner of Labour. If within the said period, the amount is not settled, we direct the Deputy Commissioner of Labour to address the concerned Tahsildar to initiate revenue recovery proceedings within a period of one week therefrom, so that the compensation amount is recovered in full. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Dindigul District.

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

+1 CC to Mr.A,HAJAMOHIDEEN, Advocate (SR-98365[F] dated 14/11/2019)

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-98660[F] dated 15/11/2019)

+1 CC to Spl.GP (SR-98829[F] dated 15/11/2019)

ORDER MADE IN
W.A. (MD)No.1230 of 2019
14.11.2019

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