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W.A.(MD)No.1370 / 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1370 of 2019

and

C.M.P. (MD)No.11445 of 2019

1.Jayachandran

2.Vanitha

... Appellants

Vs.

1.S.Pandi

2.The District Collector,
District Collector Office,
Dindigul District.

3.The Tahsildar,
Taluk Office,
Nilakkottai,
Dindigul District.

4.The Joint Commissioner of Labour,
(Workmen's Compensation),
Dindigul.

.. Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to call for the records in W.P.(MD)No.4873 of 2019 and set aside the order dated 01.03.2019 by allowing this writ appeal.

Prayer in WP(MD). 4873/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.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 No.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 Workmens Compensation), Dindigul dated 12.06.2017

For Appellants

For R1

For R2 to R4

: Mr.A.Haja Mohideen

: Mr.R.Karunanithi

: Mr.A.K.Baskara Pandian

Special Government Pleader



JUDGMENT

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

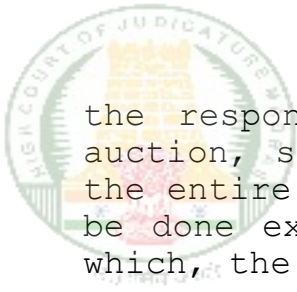
Heard Mr.A.Haja Mohideen, learned Special Government Pleader for the appellants, Mr.R.Karunanithi, learned counsel for the first respondent and Mr.A.K.Baskara Pandian, learned Special Government Pleader for the respondents 2 to 4. By consent on either side, this writ appeal is taken up for final disposal.

2. This appeal has been filed by the third and fourth respondents in the writ petition stating that the writ petition was filed by the first respondent herein praying issuance of writ of mandamus to direct the second and third respondents herein to recover a sum of Rs.4,72,944/- with interest at the rate of 12% from 12.06.2017 up to the date of recovery in terms of the order passed by the fourth respondent herein in W.C.No.69 of 2011 filed under the provisions of the Workmen's Compensation Act.

3. The learned Single Bench by the impugned order dated 01.03.2019 disposed of the writ petition by directing the official respondents to recover the amount by resorting to the procedure under Section 31 of the Employees Compensation Act, 1923 within a period of four months from the date of receipt of a copy of that order.

4. The learned counsel appearing for the appellants submitted that the service of the first respondent was engaged by the appellants for putting up a house. One more other person died and the first respondent / writ petitioner sustained spinal injuries. It is submitted that so far as the claim made by the person, who died, is concerned, the legal heirs were settled with the compensation and in this appeal, the appellants require reasonable time to settle the entire claim payable to the first respondent / writ petitioner as ordered by the fourth respondent in W.C.No.69 of 2011 together with interest thereof.

5. Considering the fact that the learned writ Court had directed recovery of the amount by resorting to the procedure contemplated under Section 31 of the Employees Compensation Act, 1923 and now before us, the appellant would contend that they are ready to settle the matter within a period of three weeks, we direct the appellants to settle the entire amount together with interest within a period of four weeks from the date of receipt of a copy of this judgment. For this purpose, the order of attachment shall continue, but the respondents 2 and 3 shall not bring the property for sale for the said period. In the event of default committed by the appellants in complying the undertaking given before this Court,



the respondents 2 and 3 are directed to bring the property for auction, sell the property and out of the sale proceedings, settle the entire dues of the first respondent. The sale proceedings shall be done expeditiously not later than three weeks from the date on which, the period fixed by this Court expires.

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4. With the above direction, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
District Collector Office,
Dindigul District.
- 2.The Tahsildar,
Taluk Office,
Nilakkottai,
Dindigul District.
- 3.The Joint Commissioner of Labour,
(Workmen's Compensation),
Dindigul.

ORDER MADE IN
W.A. (MD)No.1370 of 2019
21.11.2019

VB(03.01.2020) 3P 4C