

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.108 of 2020
and
W.M.P.No.130 of 2020

R.Masilamani

... Petitioner

vs

1. The District Collector,
Chennai District,
No.62, Rajaji Salai,
4th Floor,
Chennai - 600 001.
2. Joint Commissioner of Labour-I,
Labour Department,
Labour Welfare Building,
6th Floor, D.M.S.Complex,
Teynampet,
Chennai - 600 006.
3. The Tahsildar,
No.473, Tondiarpet High Road,
Tondiarpet,
Chennai - 600 081.
4. U.M.Saleem Khaan,
Proprietor of M/s.U.M.s.Enterprise,
No.24/8, Hazarath Street,
Near Minerva Theatre, Broadway,
Chennai - 600 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to comply the proceedings of the 2nd respondent in A4/3813/18 dated 25.07.2019 issued in furtherance of the award passed by the 2nd respondent dated 04.01.2017 in E.C.153/2014, by issuing appropriate direction to the 4th respondent towards recovery of the awarded amount of Rs.3,46,616.68/- calculated along with the awarded interest @ 12% per annum from 12.09.2014 till 31.12.2019 with further interest calculated till the date of realisation, as arrears of land revenue under Section 31 of the Employee's Compensation Act, 1923, read with section 5(n) of the Tamil Nadu Revenue Recovery Act, 1864 and consequently issue necessary pay order/ cheque/ DD in favour of the petitioner within a time frame as fixed by this Court.

For Petitioner : Ms.K.Subbashini
for M/s. Chennai Law Associates

For Respondents: Mr.D.Suriyanarayanan
Additional Government Pleader
for R1 to R3

O R D E R

This Writ Petition is filed seeking for Mandamus to direct the 1st respondent to comply the proceedings of the 2nd respondent in A4/3813/18 dated 25.07.2019 issued in furtherance of the award passed by the 2nd respondent dated 04.01.2017 in E.C.153/2014, by issuing appropriate direction to the 4th respondent towards recovery of the awarded amount of Rs.3,46,616.68/- calculated along with the awarded interest @ 12% per annum from 12.09.2014 till 31.12.2019 with further interest calculated till the date of realisation, as arrears of land revenue under Section 31 of the Employee's Compensation Act, 1923, read with section 5(n) of the Tamil Nadu Revenue Recovery Act, 1864 and consequently issue necessary pay order/ cheque/ DD in favour of the petitioner within a time frame as fixed by this Court.

2. The case of the petitioner in short is as follows:

He was working as a Carpenter in the 4th respondent Company from 2012 to 12.09.2014. On 12.09.2014, while he was doing his job, accidentally his left hand thumb finger caught into the machine thereby causing serious injury and damage. The accident occurred only due to the failure on the part of the 4th respondent in not providing proper safety equipments. Due to the grave injury his left hand thumb finger became stiff and non-functional and thus, he has become permanently disabled. He filed a petition before the 2nd respondent under the Employees Compensation Act, 1923. The 2nd respondent passed an award on 04.01.2017 directing the 4th respondent to pay a sum of Rs.2,72,966/- together with interest at 12% calculated from the date of accident till the date of deposit. Even though such award was passed, the 4th respondent has not paid the same to the petitioner, despite repeated reminder. The 2nd respondent issued notice to the 4th respondent on 27.03.2019 and called upon them to deposit the compensation amount. Even thereafter, the 4th respondent has not paid the compensation amount. Hence, the present writ petition is filed with the relief as stated supra.

3. In this writ petition, the respondents 1 to 3 are being represented by the learned Additional Government Pleader. Though notice was ordered to the 4th respondent, both through Court and privately, the private notice sent was returned with an endorsement 'left'. Learned Additional Government Pleader submitted that the official respondents

are trying to trace the 4th respondent to recover the amount.

4. It is stated by the learned counsel for the petitioner that the 4th respondent has not questioned the said order dated 04.01.2017 awarding compensation and therefore, the said order has become final and binding the 4th respondent.

5. It is seen that the petitioner was awarded with compensation of a sum of Rs.2,72,966/- with 12% interest as early as on 04.01.2017 by the order passed by the 2nd respondent. Unfortunately, the petitioner has not seen the colour of the coin till this date. The notice sent to the 4th respondent has returned with a endorsement 'left'. The official respondents are also trying to locate the 4th respondent. The non-availability of the 4th respondent at the address referred to in the proceedings referred to supra cannot be a reason for the revenue officials, more particularly, the 1st respondent in locating the 4th respondent and recovering the said sum already awarded to the petitioner. Therefore, it is the bounden duty of the 1st respondent and the concerned Tahsildar within whose jurisdiction, the 4th respondent resides or doing his business, to recover the said sum from the 4th respondent and deposit the same before the 2nd respondent so as to enable the petitioner to withdraw the same without loss of any further time.

6. Accordingly, the 1st respondent and the concerned Tahsildar having jurisdiction over the 4th respondent are directed to take every steps under law to recover the amount awarded to the petitioner by the 2nd respondent and deposit the same before the 2nd respondent within a period of eight weeks, if there is no other legal impediment for them to do so at the instance of the 4th respondent. On such deposit, the petitioner is permitted to withdraw the same from the 2nd respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Chennai District,
No.62, Rajaji Salai,
4th Floor,
Chennai - 600 001.

2. Joint Commissioner of Labour-I,
Labour Department,
Labour Welfare Building,
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3. The Tahsildar,
No.473, Tondiarpet High Road,
Tondiarpet,
Chennai - 600 081.

+1cc to Mr.Chennai law Association, Advocate, S.R.No. 17854
+1cc to the Government Pleader, S.R.No. 17180

W.P.No.108 of 2020

SJ(CO)
GN(26/05/2020)