

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.10805 of 2020

D.Kumarammal

...Petitioner

Vs.

1. The Deputy Commissioner of Labour,
Madurai.
2. The District Collector,
District Collectorate Office, Coimbatore.
3. The Secretary,
R.V.S. Educational Trust,
Kumarakkotam,
Soolur, Coimbatore.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 08.05.2019 in the light of 1st respondent's communication in N.Ka.No.A4/4800/17 dated 25.10.2018 within time frame fixed by this Court.

For Petitioner : Mr.D.Gopal

For Respondents 1 and 2 : Mr.G.Muthukumar
Special Government Pleader

For 3rd Respondent : M/s.Issac Chambers
H.Mary Sowmi Rexi

O R D E R

The prayer sought for in this writ petition is for a writ of mandamus directing the second respondent to dispose of the petitioner's representation dated 08.05.2019 in the light of first respondent's communication in N.Ka.No.A4/4800/17 dated 25.10.2018 within time frame fixed by this Court.

2.The petitioner's husband was an employee of the third respondent Trust and while he was in service on 02.05.2004 during the course and out of the employment, he met with an accident and died.

3. Therefore, in order to get compensation, the petitioner, being the legally wedded wife of the deceased, filed a case under Workmen Compensation Act in W.C.No.277 of 2009 on the file of the first respondent, who after hearing the said case, passed an award on 08.06.2017, whereby directed the third respondent management to pay the compensation to the extent of Rs.3,71,023/- to the petitioner. According to the petitioner, as against the said award passed by the first respondent in W.C., no further appeal was filed by the third respondent Trust. Therefore, the petitioner is entitled to get the said award amount, which has to be recovered by the second respondent/District Collector by invoking the provisions of the Revenue Recovery Act and in this regard, the petitioner has given a representation to the second respondent/District Collector on 22.03.2019. Since the second respondent has not acted upon so far, he has filed this writ petition with the aforesaid prayer.

4. Heard the learned counsel for the petitioner, who has reiterated the aforesaid facts and also heard Mrs.H.Mary Sowmi Rexi, learned counsel appearing for the third respondent and Mr.G.K.Muthukumar, learned Special Government Pleader appearing for the first and second respondents.

5. The learned Special Government Pleader appearing for the first and second respondents would contend that, the representation given by the petitioner dated 08.05.2019 would be considered on merits and after verifying, whether any further appeal was filed by the third respondent Trust against the award passed by the first respondent in W.C.No.277 of 2009 dated 08.06.2017, the second respondent would take further action for recovering the award amount by invoking the provisions of the Revenue Recovery Act within a time frame that may be stipulated by this Court and the aforesaid task would be completed by the second respondent and final orders would be passed with that effect with a communication to the petitioner as well as the third respondent.

6. I have considered the said submissions made by the learned counsel appearing for both sides and having regard to the said facts of the case, this Court is inclined to dispose of this writ petition with the following order.

The second respondent is hereby directed to consider the representation of the petitioner dated 08.05.2019 in the light of the award passed by the first respondent in W.C.No.277 of 2009 and after ascertaining from the third respondent as to whether any further appeal has been filed against the award of the first respondent, as referred to above and

satisfying the same, the second respondent shall take necessary steps to recover the award amount from the third respondent by invoking the Revenue Recovery proceedings and accordingly deposit the said amount in the account of the W.C. on the file of the first respondent. The needful, as has been indicated above, shall be undertaken by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour,
Madurai.
2. The District Collector,
District Collectorate Office, Coimbatore.
3. The Secretary,
R.V.S. Educational Trust,
Kumarakkotam,
Soolur, Coimbatore.
4. The Government Advocate,
High Court, Madras.

+1cc to the Government Pleader, S.R.No.34695

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AD(CO)
RV(10/11/2020)