

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06-10-2020

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.14539 OF 2018

R.Prabhu

.. Petitioner

-vs-

1. The District Collector
Singaravelar Maligai,
Chennai.
2. The Deputy Commissioner of Labour
Conoor.
3. The Managing Director
Tamil Nadu State Transport Corporation,
No.2, Pallavan Street,
Chennai - 600 002.

... Respondents

Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus, by directing the respondents 1 and 2 to recover the award amount as passed in W.C.No.665 of 2015, dated 06.03.2017 by adopting Revenue Recovery Act against the third respondent within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mrs.P.Rajalakshmi
AGP for R1 and R2
Mr.K.Kathiresan for R3

ORDER

This writ petition has been filed seeking for a writ of mandamus directing the respondents 1 and 2 to recover the award amount as passed in W.C.No.665 of 2015, dated 06.03.2017 by adopting Revenue Recovery Act against the third respondent within an appropriate time.

2. The learned counsel appearing for the third respondent-Transport Corporation submits that, in order to have a negotiated settlement, they wanted to have a negotiation, but

the petitioner did not turn up, therefore he seeks some more time.

3. However the fact remains that, order has been passed by the second respondent on 06.03.2017 in W.C.No.665 of 2015, where the third respondent was directed to pay a sum of Rs.4,36,557/- within a period of thirty days. As against the said order passed under the provisions of the Workmen's Compensation Act, no statutory appeal till date has been filed by the third respondent.

4. Therefore it seems that, the second respondent by proceedings, dated 27.09.2017 directed the third respondent to deposit the said sum within 15 days, otherwise, proceedings would be initiated under Revenue Recovery Act. Even thereafter it seems that nothing was forthcoming from the third respondent, only at that juncture, the petitioner who was injured, in whose favour the order was passed by the Workmen's Compensation Commissioner, has made a request to the first respondent, District Collector to initiate Revenue Recovery proceedings against the third respondent for recovering the amount of Rs.4,36,557/- within thirty days. Since the same has also not been acted upon by the first respondent, only at this juncture, the present writ petition has been filed.

5. Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Additional Government Pleader appearing for R1 and R2 and Mr.K.Kathiresan, learned Standing counsel appearing for R3.

6. Though it was contented by the learned Standing counsel appearing for the third respondent that, a negotiated settlement can be made between the parties, this Court feel that, it is an award or order passed by the second respondent under the provisions of the Workmen's Compensation Act, against which admittedly no appeal so far has been filed, therefore it can be easily presumed that, the order passed by the Workmen Compensation Commissioner has been accepted by the third respondent. When that being so, the third respondent has to deposit the amount as awarded by the second respondent in its order, dated 06.03.2017.

7. Though only 30 days time was given by the second respondent in the said order, after more than 3 1/2 years, till date not even a single pie has been deposited. Therefore it is a fit case, where the first respondent can invoke the provisions of the Revenue Recovery Act to recover the said amount awarded by the second respondent under the Workmen's Compensation Act to and in favour of the petitioner.

8. In that view of the matter, this following order is passed in this writ petition :

"(a) that there shall be a direction to the first respondent to invoke the provisions of the Revenue Recovery Act for recovering the award amount as per the order of the second respondent, dated 06.03.2017 made in W.C.No.665 of 2015 and on recovering the said amount from the third respondent, the same shall be deposited before the second respondent in the said W.C.No.665 of 2015 within a period of thirty days from the date of receipt of a copy of this order.

(b) on such deposit, it shall be open to the petitioner to file appropriate petition before the second respondent to withdraw the said amount."

9. With these directions, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The District Collector
Singaravelar Maligai,
Chennai.
2. The Deputy Commissioner of Labour
Conoor.
3. The Managing Director
Tamil Nadu State Transport Corporation,
No.2, Pallavan Street,
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+1cc to the Government Pleader, S.R.No.33078

W.P.No.14539 of 2018

AJS (CO)
CS/29/10/2020