



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) Nos.4168 and 4155 of 2020

W.P.(MD)No.4168 of 2020

1)S.Chellammal

2)S.Anusri

... Petitioners

vs.

1.The Commissioner of Employee's Compensation,
(The Employee's Compensation Act, 1981)
The Office of the Joint Commissioner of Labour,
Trichy.

2.The District Collector,
Salem District,
Salem.

3.The Divisional Engineer,
Salem District Division,
Highways Department,
Government of Tamilnadu,
Salem.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to recover the compensation amount of Rs.6,38,748/-, together with 12% interest for the period from 12.03.2012, as per the certificate dated 30.07.2019 issued by the 1st respondent in pursuance of the award dated 12.04.2018 in E.C.No.72/2014, from the 3rd respondent, within a stipulated time as may be fixed by this Hon'ble Court and to pay the same to the petitioners.

W.P.(MD)No.4155 of 2020

1)N.Rajangam

2)R.Chinnathai

... Petitioners

vs.

1.The Commissioner of Employee's Compensation,
(The Employee's Compensation Act, 1981)
The Office of the Joint Commissioner of Labour,
Trichy.

2.The District Collector,
Salem District, Salem.

3.The Divisional Engineer,
Salem District Division,
Highways Department,
Government of Tamilnadu,
Salem.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to recover the compensation amount of Rs.6,26,763/- together with 12% interest for the period from 12.03.2012, as per the certificate dated 30.07.2019 issued by the 1st respondent in pursuance of the award dated 02.04.2018 in E.C.No.72/2014, from the 3rd respondent, within a stipulated time as may be fixed by this Hon'ble Court and to pay the same to the petitioners.

For Petitioners : Mr.S.Arunachalam
(in both petitions)
For Respondents : Mr.M.Murugan
(in both petitions) Government Advocate

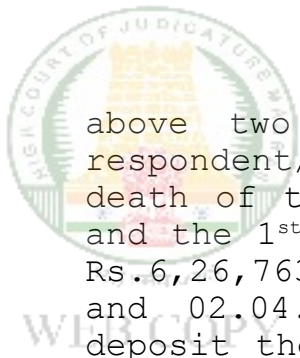
COMMON ORDER

The prayer in these writ petitions is for issuance of a Writ of Mandamus, to direct the 1st and 2nd respondents to recover the compensation amount of Rs.6,38,748/- and Rs.6,26,763/- from the 3rd respondent together with 12% interest awarded in E.C.Nos.67 and 72/2014 as per the certificates dated 30.07.2019 issued by the 1st respondent, within a stipulated time as may be fixed by this Court and to pay the same to the petitioners.

2.The petitioners in the above two writ petitions would submit that their respective husbands were working as manual workers in a concern who is a contractor carrying out the works for the 3rd respondent/Divisional Engineer, Highways Department, Government of Tamilnadu, Salem. While so, their husbands died during the course of employment, for which, the petitioners filed applications before the 1st respondent/Commissioner for Employee's Compensation, Trichy, in E.C.Nos.67 and 72/2014, seeking compensation which were ordered vide award dated 12.04.2018 and 02.04.2018 by awarding the compensation of Rs.6,38,748/- and Rs.6,26,763/- together with 12% interest and directing the 3rd respondent to deposit the same. Since the 3rd respondent did not deposit the award amount, the 1st respondent sent a notice dated 16.11.2018 to the 3rd respondent to deposit the award amount. Thereafter, the 1st respondent issued certificates dated 30.07.2019 requesting the 2nd respondent/District Collector, Salem, to recover the compensation amount with interest from the 3rd respondent under the Revenue Recovery Act. Even after passing of 6 months, since the 2nd respondent had not recovered the amount from the 3rd respondent, the petitioners have filed these writ petitions for the above prayer.

3.Heard the learned counsel for the petitioners as well as the learned Government Advocate for the respondents.

4.Perusal of record shows that the petitioner in the
<https://hcservices.ecourts.gov.in/hcservices/>



above two writ petitions filed claim petitions before the 1st respondent/Commissioner of Employee's Compensation, Trichy, for the death of their respective husbands during the course of employment and the 1st respondent has awarded compensation of Rs.6,38,748/- and Rs.6,26,763/- together with 12% interest vide award dated 12.04.2018 and 02.04.2018 respectively and directed the 3rd respondent to deposit the same. Despite the receipt of notices issued by the 1st respondent/Commissioner of Employee's Compensation, Trichy, the 3rd respondent did not deposit the award amount and therefore, the 1st respondent issued certificates dated 30.07.2019 requesting the 2nd respondent/District Collector, Salem, to recover the compensation amount with interest from the 3rd respondent under the Revenue Recovery Act which has not been done and therefore, the petitioners are before this Court.

5.Considering the circumstances of the case, in my considered opinion, ends of justice would be met by directing the 2nd respondent to recover the award amount from the 3rd respondent as per the certificates dated 30.07.2019 issued by the 1st respondent within a time frame. Accordingly, the 2nd respondent is directed to recover the award amount of Rs.6,38,748/- and Rs.6,26,763/- from the 3rd respondent together with 12% interest as per the certificates dated 30.07.2019 issued by the 1st respondent in pursuance of the Award dated 12.04.2018 and 02.04.2018 in E.C.Nos.67 and 72/2014 within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (Records)

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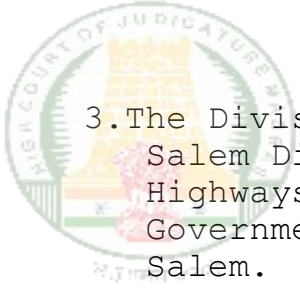
Sub Assistant Registrar(CS)

bala/gns

To

1.The Commissioner of Employee's Compensation,
(The Employee's Compensation Act, 1981)
The Office of the Joint Commissioner of Labour,
Trichy.

2.The District Collector,
Salem District, Salem.



3.The Divisional Engineer,
Salem District Division,
Highways Department,
Government of Tamilnadu,
Salem.

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W.P.(MD) Nos.4168 and 4155 of 2020

COMMON ORDER MADE IN
W.P.(MD) Nos.4168 and 4155 of 2020
DATED : 16.03.2020

KK(14.08.2020) 4P 4C