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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.178 of 2013 and M.P.No.1 of 2013

The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai - 600 002.

...Appellant

-vs-

1.Navaneethi

2.The Deputy Commissioner of Labour-II,
Labour Office,
Chennai-18.

3.The District Collector,
Singaravelan Malaigai,
Chennai-600 001.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order in W.P. No.41110 of 2006 dated 27.08.2012 passed by the Hon'ble Mr.Justice K.K.Sasidharan.

W.P.No.41110 of 2006 :

Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Madamus directing the third respondent to take appropriate steps to recover the interest amount of Rs.1,06,336.07 from the second respondent within a time frame for payment to the petitioner through the first respondent

For Appellant : Mr.Elakkiyababu,
Standing Counsel (Transport)

For Respondents : Batta not filed for R1 & 3
R2-given up

JUDGMENT



(Judgment of this Court was delivered by T.RAJA, J.)

This writ appeal has been directed against the impugned order dated 27.08.2012 passed by the learned Single Judge in W.P. No.41110 of 2006 wherein a direction has been given to the District Collector, Chennai to recover the interest for the delayed period, viz., the period between the time indicated in the Award dated 29.12.2004 for depositing the amount and the date of actual deposit, at the rate of 12% from the appellant.

2. When an Award dated 29.12.2004 was passed by the Commissioner for Workmen's Compensation-2 (Deputy Commissioner of Labour-II, Chennai) specifically giving a direction to the appellant to make payment within 30 days and in default to pay interest at the rate of 12% per annum, unfortunately the interest for the delayed period was not paid within the time granted by the Commissioner for Workmen's Compensation-2. Since there was a delay on the part of the District Collector, Chennai to recover the statutory interest from the appellant, the first respondent has approached the District Collector with a request to direct the appellant to pay the interest and the District Collector, on the basis of the letter of the Commissioner dated 21.08.2006, directed the appellant to pay the interest. Since there was no action, the first respondent has filed the above writ petition seeking a direction to the District Collector to take appropriate steps to recover the interest amount from the appellant. However, the learned Single Judge directed the District Collector, Chennai to recover the interest for the delayed period. Since we find no error or infirmity in the impugned order passed by the learned Single Judge, we are inclined to dismiss this appeal. Accordingly, the writ appeal stands dismissed.

3. Since the appellant has not taken steps to serve notice on the other side even after nine long years, this Court grants four weeks' time for the appellant to comply with the direction given by this Court, failing which, the appellant shall pay interest at the rate of 16% per annum from the date of award. Consequently, connected M.P. is closed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vga



To

1. The Deputy Commissioner of Labour-II,
Labour Office,
Chennai-18.

2. The District Collector,
Singaravelan Malaigai,
Chennai-600 001.

3. The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.V.Udayakumar, Advocate, S.R.No.32628

W.A.No.178 of 2013
and
M.P.No.1 of 2013

PA(CO)
RGA(03/08/2021)