

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.12602 of 2013

Nirmala
W/o.Suresh

... Petitioner

Vs.

1.The Deputy Commissioner of Labour I
(For Workmen Compensation Act)
DCL Compound, Teynampet,
Chennai-600 006.

2.The District Collector,
Singaravelar Maligai,
Rajaji Salai
Chennai District.

3.M/s.Sanvee Customer Care,
No.10, Kasthuri Bai Gandhi Nagar,
A.A.Road, Vyasarpadi,
Chennai-600 039.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to initiate revenue recovery proceedings by making necessary request to the second respondent and consequently direct the second respondent to take appropriate action under the Revenue Recovery Act in accordance with law and recover the amount of compensation with interest from the third respondent as per the award in W.C.No.75 of 2009 dated 18.04.2011, within the time frame fixed by this Court without any further delay.

For Petitioner : Mr.Kathirvelan

For Respondents: M/s.A.Madhumathi
Special Government Pleader
for R1 and R2
Mr.D.Ashok Kumari for R3

ORDER

The writ petition is filed for issuing a writ of Mandamus, to direct the first respondent to initiate revenue recovery proceedings and to direct the second respondent to take appropriate action under the Revenue Recovery Act to recover the amount of compensation with interest from the third respondent

as per the award in W.C.No.75 of 2009 dated 18.04.2011.

2.The petitioner's son namely Vinoth, who joined the third respondent on 07.07.2008 as Technical Assistant died in the course of his employment. The petitioner filed a petition under Workmen Compensation Act in W.C.No.75 of 2009, before the first respondent for his son's death. Though the petitioner claimed a sum of Rs.4,50,000/-, the first respondent awarded compensation to the tune of Rs.3,25,803/- for the death of his son which was in the course of employment. Since, the third respondent failed to comply with the order, the petitioner has filed a petition before the first respondent for necessary direction to the second respondent for initiating proceedings under Revenue Recovery Act. The first respondent though passed an award and proceedings can to be initiated under the Revenue Recovery Act. The second respondent has not taken any action and hence the present petition has been filed.

3.Though, this writ petition was filed in the year 2013, it appears that the learned counsel appearing for the third respondent was seeking time under the pretext that the third respondent would settle the amount in due course. This Court on 22.12.2020 recorded the submission of the learned counsel appearing for the third respondent in the following lines, which is extracted hereunder:-

"When this Court was about to direct the second respondent to initiate revenue recovery proceedings for the recovery of Award amount, Mr.D.Ashok Kumar, learned counsel appearing for the third respondent submitted that the third respondent would settle the matter on or before 05.01.2021 and in the event of the third respondent not paying the Award amount to the petitioner on or before 05.01.2021, further orders may be passed directing the second respondent to initiate recovery proceedings under the Revenue Recovery Act.

4.This Court has already decided to allow the writ petition by directing the second respondent to initiate Revenue Recovery proceedings for the recovery of amount as per the award. However, the learned counsel appearing for the third respondent had undertaken to settle the matter on or before 05.01.2021. Only on the undertaking given by the learned counsel for the third respondent, the matter was adjourned to today i.e. on 06.01.2021. It is now reported by the learned counsel appearing for the third respondent that the matter is not settled. Therefore, this Court is not inclined to grant further time to the third respondent.

5.The learned counsel for the third respondent states that the third respondent is not in good financial condition, therefore, he could not settle the amount. The award was passed

on 18.04.2011. The first and second respondents can recover the amount by resorting to Revenue Recovery Act. The petitioner has successfully delayed payment. Even the writ petition is pending for 7 years.

6.The petitioner lost his son during the course of employment. The petitioner is entitled to get the award amount as per the order of the first respondent.

7.This Court is of the view that the petitioner is entitled to get the relief as the time given by this Court to the third respondent to make the payment is not going to help the petitioner. Since the third respondent has proved by their attitude, that they are not reliable, this Court has no hesitation to allow the petition.

8.The Writ Petition is allowed. The first respondent is directed to issue necessary certificate if it is not issued so far so that the second respondent shall take appropriate action under the Revenue Recovery Act in accordance with law and ensure that the amount of compensation is recovered with interest from the third respondent as per the award in W.C.No.75 of 2009 dated 18.04.2011 within a period of twelve weeks from the date of receipt of copy of the certificate or communication from the first respondent. The first respondent shall issue the certificate or communication forth with to enable the second respondent to initiate the revenue recovery proceedings. No Costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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Copy to

1.The Deputy Commissioner of Labour I
(For Workmen Compensation Act)
DCL Compound, Teynampet,
Chennai-600 006.

2.The District Collector,
Singaravelar Maligai,
Rajaji Salai
Chennai District.

+1 cc to M/s.R.Prasadh & R.Prabhavathy Advocate sr817
+1 cc to M/s.D.Ashok Kumar, Advocate sr855

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