

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.1610 of 2021
and W.M.P.No.1817 of 2021

1. M.Priya

2. M.Suganthi ... Petitioners

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Department of Labour and Employment,
Secretariat, Chennai - 600 009.

2. The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai - 600 006.

3. The Deputy Commissioner of Labour,
Yercaud Road, Gori Medu,
Salem - 636 008.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to disburse the apportioned compensation amount of Rs.40,000/- each as per the Award dated 08.12.2003 and deposited in the credit of W.C.No.155 of 2002 on the file of the third respondent with interest for the delay in payment, by considering our representations dated 14.09.2018 and 02.01.2021.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.V.Kadhirvelu

Special Government Pleader

O R D E R

The petitioners filed claim petition in W.C.No.155 of 2002 on the file of Deputy Inspector of Labour Salem and the award was passed on 08.12.2003. On the date of passing award the

petitioners were minors and therefore a direction was issued to deposit the apportioned amount in a fixed deposit in a Nationalised bank. But however the officials of the respondent have omitted to deposit the amount. After a period of 18 years it is reported by the respondent that due to the lapse of some erring officials, the amount was omitted to be deposited as directed and therefore they are willing to pay the principle amount of the compensation awarded.

2. Such type of reckless statements cannot be encouraged. The beneficial legislation entitles the benefactors to receive the interest from the lapse of 30 days from the date of accident. But repudiation of interest after a period of 18 years, that too, for the lapse committed by some official is highly disagreeable and cannot be encouraged. Therefore, a direction is given to the respondent to calculate the interest as per the award passed by the authority under Workmen Compensation Act and disburse the same within a period of four weeks.

3. Learned counsel for the petitioner would submit a calculation memo claiming Rs.39,375 and Rs.39,475/- respectively as interest at the rate of 6.25% due to the petitioners.

4. The learned Spl.Govt.Pleader would produce a model fixed deposit receipt which shows that the interest 6.25% during the relevant period. And according to his calculation, the matured amount for deposit of 40,000/- with effect from 2003 or 2005 would fetch a lesser amount than what was claimed by the petitioner.

5. Be that as it may, the respondents are directed to calculate the interest at the rate of 6.25%, which was the prevailing interest rate at the relevant point of time, till the date of disbursement and disburse it within four weeks. It is open to the respondent to recover it from the erring officials who omitted to comply with the direction of this Court, if they choose to do.

With the above direction, the writ petition is disposed of. Post the matter for reporting compliance on 31.03.2021. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

Kpr
To

1.The Secretary to Government,
The State of Tamilnadu,
Department of Labour and Employment,
Secretariat, Chennai - 600 009.

2. The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai - 600 006.

3. The Deputy Commissioner of Labour,
Yercaud Road, Gori Medu,
Salem - 636 008.

+1 cc to M/s.Manokaran, Advocate Sr.No. 13260

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MG (CO)
RMP (12/03/2021)



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