

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4654 of 2021

C.Parvathi

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District.
 2. The Tahsildar,
Hosur, Hosur Taluk,
Krishnagiri District.
 3. The Labour Commissioner No.1,
Workmen Compensation Commission,
Anna Salai, Teynampet
(DMS Campus), Chennai 600 006.
 4. Carrit Moran Company Pvt. Ltd.,
rep. by its Managing Director,
Hira Narayan,
Pattavarapalli, Hosur Taluk,
Krishnagiri District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents herein to take appropriate steps for initiating revenue recovery proceedings for the due realization of the compensation amount awarded for the accident death of the Petitioner's daughter Sangeetha, in pursuance of the order passed by the Labour Commissioner No.1, Chennai in W.C.No.29 of 2005, within a time frame.

For Petitioner

:Mr.A.Tamilvanan

For Respondents 1 to 3

:Mr.M.Elumalai,
Addl. Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents herein to take appropriate steps

for initiating revenue recovery proceedings for the due realization of the compensation amount awarded for the accident death of her daughter Sangeetha, in pursuance of the order passed by the Labour Commissioner No.1, Chennai in W.C.No.29 of 2005.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. This Court has already held that, powers under Article 215 of the Constitution of India cannot be abridged by Section 20 of the Contempt of Courts Act, 1971. Hence, this Court is of the view that, the relief sought for by the Petitioner cannot be granted. It is open to the Petitioner to initiate Contempt proceedings, as initiation of contempt is not a bar under Article 215 of the Constitution of India.

4. It is needless to mention that, the Government is empowered to take departmental action against the District Collector, Krishnagiri including the subsequent Collector, and the Tahsildar, Krishnagiri District, including the subsequent Tahsildar, if there is proof of not taking action for recovery based on the communication of the District Collector, as the order dated 27.03.2006 passed in W.C.No.29 of 2005 has not been implemented.

5. It is made clear that, Charge Memo has to be issued against those responsible for non-implementing/executing the said order passed in W.C.No.29 of 2005. The inaction of the Officials would amount to dereliction of duty, no devotion to work and the like; An enquiry has to be conducted on a day-to-day basis and the erring Officials should be shown the doors. Initiation of departmental proceedings and initiation of contempt are independent of each other. Departmental proceedings are for not discharging duties and the like, and contempt is for wilful and deliberate disobedience of the order of this Court.

6. Government must issue a Circular that, once there is an intimation by the Authorities under the Workmen Compensation Act, 1923, Payment of Gratuity Act, 1972 and the like, for recovery of money, the District Collector and the Tahsildar cannot keep that communication in a cold storage. The communication from the Authorities is an order to be obeyed and complied with and it cannot be treated as a mere information or intimation.

The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Krishnagiri District.
2. The Tahsildar,
Hosur, Hosur Taluk,
Krishnagiri District.
3. The Labour Commissioner No.1,
Workmen Compensation Commission,
Anna Salai, Teynampet
(DMS Campus),
Chennai 600 006.

+1cc to the Government pleader Sr.22497
+1cc to Mr.A.Tamilvanan, Advocate Sr.22160

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