

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2021
CORAM
THE HONOURABLE MR. JUSTICE M.GOVINDARAJ
W.P.No.5402 of 2021

1.Selvi
2.Arul Priya
3.Arul Murugan
4.Peruma

.. Petitioners

Versus

1.The District Collector,
Salem.

2.The Deputy Commissioner of Labour,
(Tribunal under the Employees Compensation Act, 1923.)
Salem.

3.Mrs.Gnanasundari

4.The Manager,
L & T General Insurance Company Ltd.,
6th Floor City Plot No.177, CST Road,
Kalina Santacruz (East)
Mumbai - 400 098.

5.HDFC Ergo Insurance Company Limited,
3rd Floor, Empire Arcade,
356/1, Omalur Main Road,
Opp New Bus Stand, Salem.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action pursuant to the proceedings of the 2nd respondent made in Na.Ka.No. AA2/2601/2019 dated 18.12.2020, within a stipulated time as fixed by this Hon'ble Court.

For Petitioners: M/s.U.Moneesha
For Respondents: M/s.V.Kathirvelu,
1 and 2 Special Government Pleader

O R D E R

This Writ Petition has been filed by the petitioners seeking a direction to the first respondent to take appropriate action pursuant to the proceedings of the second respondent in Na.Ka.No.AA2/2601/2019 dated 08.12.2020.

2.The first petitioner is the wife; second petitioner is the daughter; third petitioner is the son and the fourth

petitioner is the mother of the deceased. The husband of the first petitioner was employed by the third respondent and during the course of his employment, he met with an accident on 07.01.2017 and died. The vehicle which involved in the accident was insured with the fourth respondent. The petitioners filed a petition in E.C.O.P.No.157 of 2017 under Employees' Compensation Act, 1923, claiming compensation of Rs.25,00,000/- before the second respondent / Deputy Commissioner of Labour, Salem. The second respondent by order dated 29.01.2018 awarded compensation of Rs.7,41,680/- with interest @ 12% from the date of accident till the date of payment to be made by the fourth respondent / insurance company. The said amount was directed to be deposited within a period of thirty days from the date of receipt of a copy of the said order. However, the said amount has not been deposited by the third respondent. Therefore, the Deputy Labour Commissioner, Salem, on considering the request of the petitioners, sent a communication dated 08.12.2020 in Na.Ka.No.AA2/2601/2019 to the first respondent District Collector to invoke the provisions under Revenue Recovery Act, for recovery of the said sum of Rs.7,41,680/- with interest @ 12% from the fourth respondent. Since the said request made by the Deputy Labour Commissioner to the first respondent District Collector has not been considered and no action has been taken by the District Collector, the petitioners have filed the present Writ Petition with the aforesaid prayer.

3.The learned counsel for the petitioners would submit that in view of the order dated 08.12.2020 of the Deputy Labour Commissioner, it is a duty on the part of the first respondent to initiate the revenue recovery proceedings.

4.On the other hand, Mr.V.Kadhirvelu, learned Special Government Pleader appearing for the respondents 1 and 2 on instruction would submit that the order dated 08.12.2020 passed by the the Deputy Labour Commissioner would certainly be considered by the first respondent and in this regard, necessary direction would be given to the first respondent to recover the said amount payable by the fourth respondent to the petitioner and the same may be deposited in the said account of the Deputy Labour Commissioner.

5.I have considered the submissions made by the learned counsel appearing for the parties.

6.As has been rightly pointed out by the learned counsel for the petitioners, the Deputy Labour Commissioner has sent a communication in Na.Ka.No.AA2/2601/2019 dated 08.12.2020 to the first respondent District Collector for invocation of the provisions under Revenue Recovery Act for recovery of a sum of Rs.7,41,680/- with interest @ 12% as ordered by the second respondent.

7.Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

The first respondent is hereby directed to act upon, as per the request made by the Deputy Commissioner of Labour, Salem, by his Proceedings in Na.Ka.No.AA2/2601/2019 dated 08.12.2020 and accordingly, by invoking the provisions of Revenue Recovery Act, the due payable by the fourth respondent to the petitioner towards the award amount of Rs.7,41,680/- with interest as ordered by the Deputy Commissioner of Labour, Salem, shall be recovered and be deposited, as directed by the Deputy Labour Commissioner and the needful, as has been indicated above, shall be undertaken by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

8.With these directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Pns/tk

To

- 1.The District Collector,
Salem.
- 2.The Deputy Commissioner of Labour,
(Tribunal under the Employees Compensation Act, 1923.)
Salem.

+lcc to Mr.G.Naresh Kumar, Advocate Sr.No.17193
+lcc to Government Pleader Sr.No.17743

WP NO.5402 OF 2021

GMI (CO)
NR 17/04/2021