

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.4642 of 2021

V.Elumalai

.. Petitioner

Versus

1.The District Collector,
Collectorate, Chennai.

2.The Joint Commissioner of Labour - II,
Teynampet, Chennai - 600 006.

3.Muthu Pandi

.. 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 recover the compensation amount of Rs.9,19,160 (Rupees nine lakh nineteen thousand one hundred and sixty only) with 12% interest from the date of accident in the pursuant of the 2nd respondent by an order dated 10.09.2018 in E.C.No.145 of 2018 under Section 4 of Revenue Recovery Act, 1890 from the 3rd respondent.

For Petitioner : Mr.P.Saravanan

For Respondents: M/s.V.Kathirvelu,
Special Government Pleader
for R1 & R2

सत्यमेव जयते
O R D E R

The petitioner has filed the present Writ Petition seeking for a direction to the first respondent to recover the compensation amount of Rs.9,19,160 (Rupees Nine Lakh Nineteen Thousand One Hundred and Sixty only) with 12% interest from the date of accident, as ordered by the second respondent, on 10.09.2018 in E.C.No.145 of 2018, under Section 4 of Revenue Recovery Act, 1890, from the third respondent.

2. The petitioner is the father of one E.Chella Muthu, who died on 28.11.2017, while he was working at the third respondent's Bakery. The deceased was aged about 14 years at the time of death. Subsequently, the petitioner filed a Employee's

Compensation Petition under Section 22(1) of the Employee's Compensation Act, 1923, before the second respondent Joint Commissioner of Labour, which was numbered as E.C.No.145 of 2018. The second respondent passed an exparte decree on 10.09.2018 and directed the third respondent / employer to deposit the compensation amount of Rs.9,19,160/- with 12% interest from the date of accident upto the date of payment. The compensation shall be paid within a period of 30 days from the date of receipt of the said order copy. However, the third respondent has not deposited any amount till date. Aggrieved over the same, the petitioner is before this Court.

3. Heard the submissions made on either side and perused the materials available on record.

4. Considering the facts and circumstances of the case, a direction is given to the first respondent to recover the compensation amount of Rs.9,19,160 (Rupees Nine Lakh Nineteen Thousand One Hundred and Sixty only) with 12% interest, from the date of accident, pursuant to the order of the second respondent, dated 10.09.2018 in E.C.No.145 of 2018, under Section 4 of Revenue Recovery Act, 1890, from the third respondent and pay it to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The District Collector,
Collectorate, Chennai.

2.The Joint Commissioner of Labour - II,
Teynampet, Chennai - 600 006.

+1cc to Mr.P.Saravanan, Advocate Sr.No.17538

WP No.4642 of 2021

GMI (CO)
NR 17/04/2021