



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

:CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10240 of 2021

T.Geetha

... Petitioner

-vs-

1. The District Collector,
Office of the Thiruvallur District Collector,
Collectorate Building
Thiruvallur- 602 001.
2. The Joint Commissioner of Labour II,
DMS Campus, Teynampet,
Chennai-600006.
3. The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur Taluk,
Thiruvallur District.
4. The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur District.
5. Pipare Tubus Fabricare Unit-2,
Rep by its Proprietor
A,B Choudry and Anamika Choudry
DP-40, SIDCO Industries,
Kakalur,
Thiruvallur-602 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to implement the order in A3/7778/2019 dated 02.03.2000 passed by the 2nd respondent and recover the sum of Rs.6,57,280 along with 12% Per Annum from 12.01.2019 till the date of recovery from the 5th respondent.

For Petitioner : Mr.M.Vijayan
for M/s.R.Gunalan R Vennila
For Respondents: Mr.LSM. Hasan Fizal
Government Advocate



O R D E R

The petitioner has come forward with this Writ Petition seeking direction to the first respondent to implement the order in A3/7778/2019 dated 02.03.2000 passed by the 2nd respondent and recover a sum of Rs.6,57,280 along with 12% Per Annum from 12.01.2019 till the date of recovery from the 5th respondent.

2. The case of the petitioner is that her husband was working in the fifth respondent's Manufacturing Unit and during the said course of employment on 12.01.2019 at 3.00 P.M., the steel pipe fell on her husband's head, due to which he succumbed to injuries. Hence, the petitioner filed an application before the second respondent for compensation under the Workmen's Compensation Act, 1923(in short 'the Act'). Though the second respondent issued several notices to the fifth respondent calling them to appear before the Authority they did not appear. The second respondent vide order dated 11.06.2019 determined the compensation payable to the petitioner at Rs.6,57,280/- with interest @ 12% per annum and directed the fifth respondent to pay the compensation within 30 days. As the same was not paid, the second respondent issued show cause notice dated 16.10.2019 to the fifth respondent calling upon them to pay the compensation along with interest as directed by the fifth respondent, within 15 days failing which revenue recovery proceedings will be initiated against them. Even after such notice, the fifth respondent did not come forward to pay the compensation and therefore the second respondent issued Recovery certificate and directed the first respondent to recover a sum of Rs.6,57,280/- along with 12% from the fifth respondent. As the petitioner had not received any compensation till date, he has come forward with the present writ petition seeking for the aforesaid relief.

3. The Tahsildar filed a counter, wherein it has been specifically mentioned in paragraph 5 that a sum of Rs.2,00,000/- has been paid to the petitioner by the fifth respondent by way of cheque bearing No.152316 dated 22.04.2021. This fact has been denied by the learned counsel for the petitioner. As the fifth respondent is not before this Court, even after receipt of notice, the actual disbursement cannot be ascertained.

4. Mr.LSM Hasan Fizal, learned Government Advocate would submit that Xerox copy of the cheque was given to the Tahsildar to show that part payment has been made. This fact has been denied by the learned counsel for the petitioner.



5. Though a cheque is stated to be issued in favour of the Petitioner, there is no need for the petitioner to keep the cheque in hand without depositing it in the Bank. In my considered opinion, probably, the Management would have taken back the cheque purported to have been issued in order to avoid any further coercive action to be taken against them. The Management, in order to show that the order has been complied with, would have retained a copy of the cheque and given it to the Tahsilder. There is no evidence to show that a sum of Rs.2,00,000/- (Rupees Two Lakhs only) has been deposited as per the Act. It has been specifically stated in the counter affidavit that the exparte order passed by the second respondent has been challenged.

6. In such view of the matter, the fifth respondent is directed to issue a stop payment request to the Bankers in respect of the cheque of Rs.2,00,000/-, if any issued, and draw a Demand Draft/Pay order for the said sum of Rs.2,00,000/- in favour of the petitioner. If the remaining amount is not paid as ordered by the Authority, under the Act, it is open to the authorities concerned to take steps to attach the property of the fifth respondent forthwith.

7. With the aforesaid direction, this Writ Petition is allowed. It is made clear that if the Tahsildar and the Collector are not going to take any steps pursuant to the revenue recovery order issued by the authority, under the Act, it would amount to misdemeanor / deviant / misconduct, dereliction of duty, lack of devotion to work, lack of integrity so as to deprive their entire terminal benefits, apart from initiation of departmental action against them in the light of the Judgment of this Court in the case of C.Parvathi Vs. District Collector, Krishnagiri District and others [W.P.No.4654 of 2021] decided on 08.04.2021 at paragraph 4 and they can also be removed from service. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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Pipare Tubus Fabricare Unit-2,
A,B Choudry and Anamika Choudry
DP-40, SIDCO Industries,
Kakalur,
Thiruvallur-602 003.

+1cc to Mr.R.Gunalan, Advocate, S.R.No.30461

+1cc to the Government Pleader, S.R.No.30831

W.P.No.10240 of 2021

PCH(CO)
CB(06/08/2021)