



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10910 of 2021

Lavanya

... Petitioner

-VS-

1. The Joint Commissioner of Labour - 2
D.M.S.Campus,
Teynampet, Chennai 600 006.
2. The District Collector
Tiruvannamalai District,
Tiruvannamalai.
3. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.
4. The Principal
Government Higher Secondary School,
Ayyanpalayam,
Tiruvannamalai.
5. The Chief Education Officer,
Tiruvannamalai District,
Tiruvannamalai.
6. The Executive Engineer,
PWD Chengam Road,
Ramana Ashram (Opp)
Tiruvannamalai Taluk and District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd respondents herein to initiate Recovery Proceedings under the Tamil Nadu Revenue Recovery Act, 1864 against the respondents 4 to 6 for Recovery of compensation Awarded under the Employee Compensation Act in Employee Compensation Case No.202 of 2017 dated 22.07.2019, on the file of the 1st respondent herein.

For Petitioner : Mr.Ravichandran Sundaresan

For R1 to R5 : Mr.L.S.M.Hasan Fizal
Govt. Advocate



O R D E R

This Writ Petition has been filed for a direction to the 2nd and 3rd respondents herein to initiate Recovery Proceedings under the Tamil Nadu Revenue Recovery Act, 1864 against the respondents 4 to 6 for Recovery of compensation Awarded under the Employees Compensation Act in Employee Compensation Case No.202 of 2017 dated 22.07.2019, on the file of the 1st respondent herein.

2. It is the case of the petitioner that on 03.06.2016, her husband by name Neelakandan, was engaged by one S.S.Sathya @ Sathya Narayanan, a P.W.D. Contractor to carry on construction work at the premises of 4th respondent Government Higher Secondary School, Ayyampalayam Colony through his supervisor T.Saravanan. During construction work, the said Neelakandan got electrocution on account of his contact with a live electric wire and he was admitted in Government Hospital, Tiruvannamalai and subsequently, in Kilpauk Medical College Hospital, Chennai, for further treatment and he died on 09.06.2016 due to the electrical burns.

2.1. It is further case of the petitioner that she filed a petition claiming compensation under the Employee Compensation Act in E.C.No.202 of 2017 before the 1st respondent and after a full fledged trial, the 1st Respondent, by an award dated 22.07.2019 granted a compensation of Rs.8,52,160/- together with interest at the rate of 12% p.a from the date of accident till the date of deposit of compensation amount. Against the said award of the 1st Respondent, no appeal has been preferred and in compliance of the award, the Contractor, namely, S.S.Sathya @ Sathya Narayana / 1st respondent in E.C.No.202 of 2017, deposited his proportionate share of Rs.3,32,343/-, but the respondents 4 to 6 herein have not deposited the award amount till date.

2.2. It is also the case of the Petitioner that the 1st respondent, by proceedings Aa3/8639/2019 dated 14.09.2020, requested the District Collector, Tiruvannamalai, the second respondent herein to initiate proceedings under the Revenue Recovery Act, against respondents 4 to 6. Based on the same the second respondent in turn by his proceedings U3/22337/2020 dated 05.10.2020 has directed the 3rd respondent to initiate proceedings under Revenue Recovery Act against the respondents 4 to 6 herein for recovery of the award amount but the third respondent has not taken any action. The 1st respondent again, by his proceedings No.Aa3/8639/2019 dated 19.03.2021, sent a reminder to the 2nd respondent for recovery of the award amount. It is the bounden duty of the respondents 2 and 3 to initiate proceedings under Revenue Recovery Act against the respondents 4 to 6 for recovery of the Award amount, which has to be recovered in terms Section 31 of the Employees' Compensation Act. Hence, the petitioner made a representation



to the 1st and 2nd respondents dated 24.03.2021 requesting them to initiate recovery proceedings under Revenue Recovery Act, but they have not taken any steps to recover the said amount. Since no action has been taken the petitioner has filed the present writ petition.

WEB COPY

3. When the matter is taken up for hearing Mr.Hasan Fizal, learned Government Advocate appearing for respondents 1 to 5 submitted that except PWD, others have paid their portion of the compensation which is lying in deposit with the Joint Commissioner and that they are contemplating to file an appeal under the Workmen Compensation Act.

4. The learned counsel for the petitioner submitted that the order passed by the Authority under Workmen Compensation is of the year 2019 and as on date, there is no appeal.

5. In view of the submission made by the learned Government Advocate that Government is going to file an appeal against the order dated 22.07.2019, this Writ Petition is disposed of, with a direction that in case no appeal is filed with a delay petition, within one month from the date of receipt of a copy of this order, the respective portion of the amount shall have to be recovered from the Respondents 4 to 6 and paid to the Petitioner forthwith. In the meanwhile, the 1st Respondent is directed to release the amount lying in deposit to the Petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

dpq

To:

1. The Joint Commissioner of Labour - 2
D.M.S.Campus,
Teynampet, Chennai 600 006.
2. The District Collector
Tiruvannamalai District,
Tiruvannamalai.
3. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.



4. The Principal
Government Higher Secondary School,
Ayyanpalayam,
Tiruvannamalai.

5. The Chief Education Officer,
Tiruvannamalai District,
Tiruvannamalai.

6. The Executive Engineer,
PWD Chengam Road,
Ramana Ashram (Opp)
Tiruvannamalai Taluk and District.

+3ccs to Mr.P.K.Narayanan, Advocate SR.No.30651

+1cc to Government Pleader SR.No.30832

W.P.No.10910 of 2021

AD(CO)
GMY(28/10/2021)