



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.22637 of 2019

V.Kasimayan

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Divisional Manager,
Oriental Insurance Company Limited,
Salai Road, Dindigul District.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to recover the compensation amount of Rs.3,86,403/- with interest at the rate of 12% from the second respondent under Revenue Recovery Act and complete the same within time frame to be fixed by this Court.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.S.Angappan

Government Advocate for R1

Mr.K.Bhaskaran for R2

ORDER

Heard the learned counsel on either side.

2.The petitioner was engaged as a worker by one Chettinad Construction Company. On 11.01.2012, when the petitioner was engaged in the construction activity, he sustained injuries. In this regard, Crime No.9 of 2012 was registered on the file of the Veerapandi Police Station, Theni District. Since the accident took place during the course of employment, the petitioner filed WC No.109 of 2015 before the Commissioner for Workmen Compensation, Dindigul. The claim was allowed vide award dated 19.09.2018. The Commissioner, Workmen Compensation held that the petitioner is entitled to be paid Rs.3,86,403/-.

3.The grievance of the petitioner is that till date the first respondent has not taken any step to recover the said amount. That necessitated filing of this writ petition. Notice was ordered. Today, when the matter was taken up for hearing, this Court heard the learned counsel for the second respondent insurance company. Though the learned counsel for the insurance company would lament the fact that the claim was not effectively defended before the



authority, the fact remains that an enforceable award has been passed in favour of the writ petitioner herein. Therefore, it is too late in the day for the standing counsel to oppose the writ prayer.

4.I direct the second respondent to deposit the award amount together with accrued interest to the credit of W.C No.109 of 2015 on the file of the Commissioner, Workmen Compensation, Dindigul. I grant eight weeks time from the date of receipt of copy of this order to comply with this direction. The petitioner can thereafter apply to the Commissioner, Workmen Compensation, Dindigul who shall immediately disburse the award amount together with accrued interest to the petitioner.

5.This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The District Collector,
Dindigul District.

2.The Divisional Manager,
Oriental Insurance Company Limited,
Salai Road, Dindigul District.

Copy to: The Commissioner,
Workmen Compensation, Dindigul

+1 CC to M/s.K.BHASKARAN, Advocate (SR-4423[F] dated 11/02/2021)

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