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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.38923 OF 2015

Tmt.K.Ezhaiammal

...Petitioner

Vs

1.The District Collector,
Palakkadu District,
Kerala State.

2.The Managing Director,
Co-operative Sugar Mills,
Chithoor P.O., Manoripara,
Palakkad, Kerala State - 678 567.
Presently under the control of
Industrial Taxes Office (Excise),
Palakkad District,
Kerala State.

3.Thiru.Sahadevan

4.The Deputy Commissioner of Labour-II,
D.M.S.Complex,
Chennai - 600 006.

5.The District Collector,
Cuddalore District,
Cuddalore.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the First Respondent to recover the award amount from the Second Respondent together with 12% interest per annum from the date of accident on 08.09.2000 as per the order dated 20.12.2007 of the Fourth Respondent and as per the Certificate under Section 3(2) issued under R.R. Act to the 2nd Respondent by the Fifth Respondent.

For Petitioner : Mr.G.Alagesan
for M/s.S.Arunachalam Assp.

For Respondents 1& 3 : No appearance



For Respondent 2 : Mr.N.Kaushik
for M/s.K.N.S.Law Chambers
For Respondents 4 & 5 : M/s.N.Senthil Selvi
Government Advocate

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O R D E R

The relief sought for in the present writ petition is to direct the first respondent to recover the award amount from the second respondent together with interest.

2. The son of the petitioner died after drowning in water while taking bath along with other workers in the Tank situated in the land belonging to one Mr.Sahadevan of Vadavanoor Sugarcane Estate, Karbakulam, Kollengode, Palakkad District, Kerala. The son of the petitioner was employed for cutting sugarcane in the said field through the second respondent herein. The accident of death occurred during and in the course of employment on 07.09.2000 at about 5.30 p.m. FIR was registered in Crime No.300 of 2000 on 08.09.2000 by the Kollengode Police Station, Kerala, under Section 154 Cr.P.C. Based on the FIR, post-mortem was conducted and death certificate was issued. A petition under Workmen Compensation was filed and an award was passed granting a compensation of Rs.2,94,934/- together with interest. The award has not been implemented for long years and therefore, the petitioner is constrained to file the present writ petition.

3. Though, the award was passed on 20.12.2007, for the past about 14 years, no action has been taken to recover the award amount and settle the same to the petitioner.

4. The learned Government Advocate submitted a copy of the proceedings from the District Collector dated 31.12.2021 stating that a special interest is to be shown for the purpose of recovery of the award amount and deposit the same before the Deputy Commissioner of Labour-II Chennai. The Revenue Divisional Officer is also directed to initiate all appropriate actions.

5. It is unfortunate that the award of the year 2007 and the District Collector has issued a letter on 31.12.2021. However, this court is of the opinion that speedy action are to be initiated for recovery of the award amount and settle the same in favour of the writ petitioner.

6. Hence, the first respondent is directed to pursue the same as expeditiously as possible, preferably within a period of four months and recover the award amount along with interest and settle the same in favour of the petitioner without causing any further delay.



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7. With these directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

nti/Raja

To

1.The District Collector,
Palakkadu District,
Kerala State.

2.The Deputy Commissioner of Labour-II,
D.M.S.Complex,
Chennai - 600 006.

3.The District Collector,
Cuddalore District,
Cuddalore.

+1cc to the Government Pleader Sr.No.2735

W.P.No.38923 of 2015

PCH(CO)
RVM(10/02/2022)