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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 21.01.2022	DELIVERED ON 18.02.2022
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CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.28764 OF 2014

Anjalai

... Petitioner

.Vs.

1. The District Collector,
Chennai.

2. The Deputy Commissioner of Labour - I,
Teynampet,
Chennai - 600 006.

3. Santhosh Kumar

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to initiate revenue recovery proceedings against the 3rd respondent for the recovery of the award amount passed in W.C.No.94 of 2005 dated 10.03.2008 on the file of the 2nd respondent within a stipulated period.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.UM.Ravichandran
Special Government Pleader
For R1 & R2

Mr.M.L.Joseph for R3

O R D E R

The relief sought for in the present petition is to directing the 1st respondent to initiate revenue recovery proceedings against the 3rd respondent for the recovery of the award amount passed in W.C.No.94 of 2005 dated 10.03.2008 on the file of the 2nd respondent within a stipulated period.



2. The learned counsel for the petitioner would submit that his son Selvaraj was employed under the 3rd respondent on a salary of Rs.5,000/- per month and the age of the deceased was 19 years at the time of the accident. During the course of employment on 12.07.2002 at 11.00 hrs, the 3rd respondent directed the deceased to fill up the gas balloon to be advertised in the photo studio at that time the balloon burst out, due to which the petitioners' son sustained grievous injuries on died on 18.07.2002.

3. The learned counsel for the petitioner would further submit that the petitioner has filed W.C.No.94 of 2005 before the 2nd respondent claiming compensation of Rs.6,00,000/- for the death of her son. During enquiry, the 3rd respondent remained exparte and based on the documents and evidence, the 2nd respondent passed an award on 10.03.2008 of Rs.3,90,937/- to be paid by the 3rd respondent within 30 days, failing which to pay with the interest at the rate of 12% from the date of petition. Since the 3rd respondent had not paid the amount, the petitioner has made several representations to the 2nd respondent to initiate revenue recovery proceedings against the 3rd respondent to recover the award amount. Lastly, based on the representation dated 18.10.2013, the 2nd respondent sent a letter to the 1st respondent to initiate revenue recovery proceedings against the 3rd respondent and the same is still pending, hence the present writ petition.

4. No counter affidavit has been is filed on behalf of the respondents.

5. The learned counsel for the petitioner has brought to the notice the order of this Court dated 16.12.2020 passed in C.M.A.No.651 of 2016 filed by the 3rd respondent, challenging the order passed by the 2nd respondent in W.C.No.94 of 2005 dated 10.03.2008, wherein this Court, while dismissing the said appeal as devoid of merits, has observed as follows;

"... Be that as it may, when the exparte award passed by the Deputy Commissioner of Labour -I (The Commissioner for Workment's Compensation Chennai on 10.03.2008, after 12 years, the appellant herein, who has been successfully dodged the Deputy Commissioner of Labour, has approached this Court by filing counter affidavit in W.P.No. 28764 of 2014, which cannot be allowed to be heard...."

6. It is the case of the petitioner that her son was employed by the 3rd respondent in his photo studio for gas balloon filling work and he sustained grievous injuries, in view of the gas balloon busted out on 10.07.2002 and immediately,



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rushed to Kilpauk Medical College Hospital, Chennai, where he died on 18.07.2002. Thereafter, when the claim petition was filed by the petitioner, the 3rd respondent did not even file any memo and remained ex-parte before the Deputy Commissioner of Labour/2nd respondent. The 2nd respondent passed an award on 10.03.2008 of Rs.3,90,937/- to be paid by the 3rd respondent.

7. Admittedly, nothing tangible transpired for a period of more than 13 years in regard to the realisation of the said award amount made in W.C.No.94 of 2005 dated 10.03.2008. As such the 2nd Respondent at the instance of the petitioner has sent a letter to the first Respondent/District Collector by means of his proceedings No.A4/2719/2013, dated 18.10.2013, requesting the First Respondent/District Collector to recover the award amount immediately from the Third Respondent.

8. The learned Counsel for the petitioner urges before this Court that the First Respondent/District Collector, Chennai, has not taken any effective and efficacious steps in regard to the recovery of the award amount specified in the award dated 10.03.2008, in W.C.No.94 of 2005 as per Tamil Nadu Revenue Recovery Act, 1864.

9. In view of the fact that the petitioner's son died on 18.07.2002 and the award passed by the Second Respondent/Deputy commissioner of Labour - I, Teynampet, Chennai, is on 10.03.2008 till today the petitioner is not in a position to realise the fruits of the award that has been passed in his favour. At this stage, it is not out of place for this Court to pertinently point out that Section 31 of the Workmen's Compensation Act, 1923 speaks of recovery and the same runs as follows:

"The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of Section 5 of the Revenue Recovery Act, 1890(1 of 1890)".

10. This Court aptly points out that the Workmen's Compensation Act, 1923 is a beneficial piece of legislation which has been enacted with a view to compensate the workmen and their dependants in the event of accidents arising during the course of employment.

11. On a careful consideration of the arguments advanced on behalf of the petitioner and this Court taking note of an important fact that the award in the instant case on hand in W.C.No.94 of 2005 has been passed by the 2nd Respondent on



10.03.2008 and in spite of the fact that the 2nd Respondent/ Deputy Commissioner of Labour -I, Teynampet, Chennai has made a request to the 1st Respondent/District Collector to recover the award amount in question from the 3rd Respondent/employer of the deceased and in view of the fact that no concrete or viable action has been taken by the 1st respondent in regard to the recovery or realisation of the award amount in W.C.No.94 of 2005 dated 10.03.2008, this Court as an Equitable and Fair Relief, directs the 1st respondent/District Collector, Chennai, to initiate the Revenue Recovery proceedings against the 3rd respondent in regard to the realisation of the amount awarded in W.C.No.94 of 2005 as per the award dated 10.03.2008 as per the request made by the 2nd Respondent by means of proceedings No.A4/2719/2013, dated 18.10.2013. The 1st respondent/District Collector, Chennai is to complete the exercise of recovering the award amount in W.C.No.94 of 2005 dated 10.03.2008, in accordance with law, within a period of four (4) months from the date of receipt of a copy of this order.

12. Accordingly, with these directions, the writ petition is disposed of. No costs.

13. Before parting with the case, taking note of the serious fact that though this Court time and again issues directions to the authorities concerned to take immediate steps and proceed with the revenue recovery proceedings, still several lapses are reported with regard to non compliance of revenue recovery proceedings by the concerned officials. Therefore, the Principal Secretary to Government, Revenue Department, Secretariat, Chennai is directed to issue directions to all the District Collectors of the State to issue necessary orders to the concerned officers to initiate the recovery proceedings, immediately after such claim is made by the aggrieved persons, within a reasonable time of six months.

14. Registry shall mark a copy of this order to the Principal Secretary to Government, Revenue Department, Secretariat, Chennai and all the District Collectors of Tamil Nadu.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chennai.
2. The Deputy Commissioner of Labour - I,
Teynampet,
Chennai - 600 006.

Copy To:-

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai.
2. The District Collector,
Ariyalur.
3. The District Collector,
Chengalpet.
4. The District Collector,
Chennai.
5. The District Collector,
Coimbatore.
6. The District Collector,
Cuddalore.
7. The District Collector,
Dharmapuri.
8. The District Collector,
Dindigul.
9. The District Collector,
Erode.
10. The District Collector,
Kallakurichi.
11. The District Collector,
Kancheepuram.
12. The District Collector,
Kanyakumari.



13. The District Collector,
Karur.

14. The District Collector,
Krishnagiri.

15. The District Collector,
Madurai.

16. The District Collector,
Mayiladuthurai.

17. The District Collector,
Nagapattinam.

18. The District Collector,
Namakkal.

19. The District Collector,
Perambalur.

20. The District Collector,
Pudukottai.

21. The District Collector,
Ramanathapuram.

22. The District Collector,
Ranipet.

23. The District Collector,
Salem.

24. The District Collector,
Sivagangai.

25. The District Collector,
Tenkasi.

26. The District Collector,
Tiruvannamalai.

27. The District Collector,
Thanjavur.

28. The District Collector,
Theni.

29. The District Collector,
The Nilgiris.



30. The District Collector,
Thirunelveli.

31. The District Collector,
Thiruvarur.

32. The District Collector,
Tirupathur.

33. The District Collector,
Tiruppur.

34. The District Collector,
Trichirapalli.

35. The District Collector,
Tiruvannamalai.

36. The District Collector,
Tuticorin.

37. The District Collector,
Vellore.

38. The District Collector,
Villupuram.

39. The District Collector,
Virudhunagar.

40. The Section Officer,
'F' Section,
High Court,
Madras - 104.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.10676

+1cc to the Government Pleader, S.R.No.3991

W.P.NO.28764 OF 2014

VBM(CO)
PBS/01/04/2022