



W.P.No.29002 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29002 of 2022
and
W.M.P.Nos.28288, 28289 & 28291 of 2022

Sri Venkateshwara Medical College
Hospital & Research Centre,
by Manager,
No.13-A, Villupuram Main Road,
Ariyur,
Pondicherry.

... Petitioner

Vs

1. Deputy Commissioner of Labour-II,
Teynampet,
Chennai - 600 006.
2. The Deputy Collector (HQ),
Office of Sub-Collector (Revenue) South,
Pondicherry.
3. The Revenue Officer,
Office of Sub-Collector (Revenue) South,
Pondicherry.
4. The Tahsildhar,
Villianur Taluk Office,
Pondicherry.



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5. Tmt.Pushpa

6. Lotus Security Service by Manager,
No.6, First Cross Street,
Motilal Nagar, Moolakulam,
Puducherry - 605 110.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorified Mandamus to call for the records pertaining to order No.12658/C1/REV/RR/2021 dated 10.12.2021 passed by Respondent-2 and consequent Proceedings No.5847/SCRS/RR/B4/2021/09 dated 03.01.2022 by 3rd respondent directing 4th respondent to make Revenue Recovery against petitioner and quash the same and thereby forbear the 4th respondent to make Revenue Recovery against petitioner either by Dstraint Order No.34/TOV/RR/A6/2022 ated 12.10.2022

For Petitioner ... MrM.Arun

For Respondents ... Mr.G.Nanmaran,
Speial Government Pleader for R1
Ms.G.D.Jearany,
Government Advocate for r2 to R4

ORDER

This writ petition has been filed challenging the following proceedings viz., (1) the impugned letter of the 2nd respondent dated 10.12.2021 (2) impugned letter of the 3rd respondent dated 03.01.2022 (3) impugned Dstraint order of the 4th respondent dated 12.10.2022.



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2. By an award dated 05.04.2017 passed under the Workmen

Compensation Act, the petitioner has been directed to pay a sum of Rs.2,42,286/- together with interest for the deceased employee, Shanmugam. It is an exparte award. The petitioner has not contested the said proceedings and only in those circumstances, an exparte award came to be passed. The petitioner contends that since its Manager got changed, they did not attend to the proceedings, which resulted in passing of an exparte award against them. The petitioner now contends that they have taken steps to set aside the exparte award by filing necessary application before the 1st respondent. However, the aforementioned orders have been issued which is in the nature of distraint proceedings against the petitioner. The petitioner has already deposited a sum of Rs.2,42,286/-, which is the award amount, to the credit of the 1st respondent. However, they would contend that the said amount cannot be paid to the 5th respondent who claims to be a Class-II legal heir of the deceased employee, Shanmugam. The petitioner denies that the 5th respondent is a Class-II legal heir of the deceased employee. The petitioner's grievance is that if the award amount is paid to the 5th respondent, who is not eligible to receive the same, their rights will be



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defeated.

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3. Learned counsel for the petitioner seeks for interim protection from this Court to enable them to process the application filed before the 1st respondent seeking to set aside the exparte award dated 05.04.2017.

4. After giving due consideration to the contents of the affidavit filed in support of the writ petition and after hearing the submissions of the learned counsel for the petitioner, this Writ Petition is disposed of, by directing the petitioner to process its application seeking to set aside the exparte award dated 05.04.2017 passed by the 1st respondent under the Workmen Compensation Act, within a period of one month from the date of receipt of a copy of this order. For a period of one month, the respondents 1 to 4 shall not pass any orders for payment out of a sum of Rs.2,42,286/- to the 5th respondent, in order to protect the interest of the petitioner, who claim that they are not liable to pay the said amount to the 5th respondent.

No costs.

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Index: Yes/ No
Speaking Order/Non-speaking Order
vsi



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To

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Teynampet,
Chennai - 600 006.
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ABDUL QUDDHOSE, J.

vsi

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