



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.6104 of 2022

R.Pandi

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Tashildar,
Usilampatti Taluk,
Madurai District.

3.The Joint Commissioner of Labour,
(Workman Compensation),
Madurai.

4.The Plan Officer (Commissioner),
Panchayat Union Office,
Peraiyoor Road,
Usilampatti Taluk,
Madurai District.

5.Saravanan @ Mayi Saravanan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondent Nos.1 and 3 herein to recover the sum of Rs.6,85,402/- together with interest at the rate of 12% per annum with effect from upto the date of recovery from the fourth respondent as per the award dated 05.05.2021 passed in W.C.No.8 of 2017 by the third respondent in accordance with Section 31 of the Employee Compensation Act, 1923 within the stipulated time limit fixed by this Court.

For Petitioner :	Mr.V.Sriram
For Respondent :	Mr.D.S.Nedunchezian
	Government Advocate
	for RR1 and 2
	Mr.G.Sivaraju,
	Government Advocate
	for RR3 and 4.

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to recover a sum of Rs.6,85,402/- together with interest at the rate of 12% per annum with effect from upto the date of recovery from the fourth respondent, as per the award dated 05.05.2021 passed in W.C.No.8 of 2017 by the third



respondent in accordance with Section 31 of the Employee Compensation Act, 1923 within the stipulated time limit fixed by this Court.

2. The petitioner is a workman and he has filed an application under the Employee's Compensation Act. The third respondent/Joint Commissioner of Labour passed an award in favour of the workman.

3. The grievance of the writ petitioner is that the said award has not been executed. In this regard, Section 31 of the Employees Compensation Act contemplates the procedures for recovery that "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)". Therefore, the holder of an award is entitled to file an application under Section 31 of the Act for recovery of the award amount. Contrarily, they need not approach the High Court directly for such recovery.

4. The learned counsel appearing for the petitioner states that he has filed an application for recovery and notice was issued.

5. Per contra, the learned counsel appearing for the fourth respondent/Panchayat Union made a submission that the petitioner/workman was not employed by the Panchayat Union and he was an employee of the private contractor. Therefore, the fourth respondent has filed an application to set aside the ex-parte award passed by the third respondent/Joint Commissioner of Labour.

6. Therefore, this Court is of the opinion that the rights of the parties are to be adjudicated and to be crystallised. Further, the fourth respondent has already filed an application to set aside the ex-parte award. This being the factum, the proceedings are to be completed on merits and in accordance with law. Thereafter, if any award is passed, the workman has to file an application for recovery under the provisions of the Act.

7. With this clarification, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



ssb

To

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+1 CC to M/s.SPL GP (SR-16334[F],SR-16731[F] dated 04/04/2022)

+1 CC to M/s.V.SRI RAM, Advocate (SR-16421[F] dated 04/04/2022)

W.P. (MD) No.6104 of 2022

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NSN (CO)

KB(12.04.2022) 3P 7C