



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.6654 of 2022

WEB COPY

Ramesh

... Petitioner

Vs.

1.The Deputy Commissioner of Labour/
Workmen Compensation
Tiruchirappalli District.

2.The Branch Manager,
United India Insurance Company Limited,
Prominate Road
Cantonment
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the first respondent herein to pass appropriate orders to the 2nd respondent insurance company to deposit the balance amount of Rs.1,23,691 payable to the petitioner by exercising the power conferred under section 31 of the Employees Compensation Act, 1923 within time limit stipulated by this Court.

For Petitioner
For Respondents

: Mr.N.Sudhagar Nagaraj
: Mr.D.Sadiq Raja for R1
Additional Government Pleader
Mr.C.Karthick for R2

ORDER

The relief sought for in the present writ petition is to direct the first respondent to pass appropriate orders to the second respondent Insurance Company to deposit the balance amount of Rs.1,23,691/- payable to the petitioner by exercising the powers conferred under Section 31 of the Employees Compensation Act, 1923.

2.Though the learned counsel for the petitioner is very well aware of the procedure for recovery under the Employees Compensation Act, a writ petition cannot be converted as a recovery proceedings under Section 31 of the said Act. When the relief sought for in the writ petition is to recover the balance amount by exercising the power conferred under Section 31 of the Employees Compensation Act, such power is to be exercised by the competent authority under the Act and for that purpose, the petitioner has to file appropriate



petition before the competent Court.

3. Contrarily a writ petition need not be entertained for the purpose of recovery of dues under the Employees Compensation Act, more so, the relief in the present writ petition itself indicates that the high Court should exercise the power conferred under Section 31 of the Act to issue a direction to the respondents to deposit the balance amount. Such a prayer is absolutely misconceived, as the petitioner has to approach the competent Court under the Employees Compensation Act, under Section 31 by filing appropriate petition for recovering the award amount. Thus, the petitioner is at liberty to approach the competent Court under the Act for recovery proceedings and the learned Additional Government Pleader brought to the notice of this Court that the Joint Commissioner of Labour has already issued an order to the second respondent United India Insurance Company to deposit the amount as per the award amount. If they failed to do so, a petition has to be filed by the petitioner by invoking the provisions of the Employees Compensation Act for recovery or to make recovery, as the case may be, by following the procedure as contemplated under law.

4. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Deputy Commissioner of Labour/
Workmen Compensation
Tiruchirappalli District.

2.The Branch Manager,
United India Insurance Company Limited,
Prominate Road
Cantonment, Tiruchirappalli.

+1 CC to M/s.SPL.GP. (SR-18147[F] dated 12/04/2022)

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11.04.2022

RD(25.04.2022) 2P 4C