



WEB COPY



W.P.No.763 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.763 of 2021

M.Maharajan (Deceased)

2.M.Mahendran

3.M.Maharani

4.Mahalakshmi

5.Manimaran

... Petitioners

Vs.

1.The District Collector, Collector Office, GST Road,
Chengalpattu District - 603 001.

2.The Joint Commissioner of Labour - II,
DMS Complex, Teynampet, Chennai - 6.

3.R.Dhayanandhan

4.Govindan

... Respondents

(Petitioners 2 to 5 are substituted as LR's of the deceased as per order dated 09.10.2023 made in W.M.P.No.11829/2022 in W.P.No.763/2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to take recovery proceedings under the Tamilnadu Revenue Recovery Act against the respondents 3 & 4 within stipulated time and pay the compensation amount to the petitioner as per the Award passed by the



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second respondent in W.C.No.76/2018 dated 30.04.2018.

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For Petitioner : No appearance
For RR1 & 2 : Ms.C.Meera Arumugam, AGP
For R3 : M/s.Paul & Paul
R4 : No appearance

ORDER

The petitioner has filed this writ petition seeking direction to the respondents 1 & 2 to initiate proceedings under the Tamilnadu Revenue Recovery Act against the respondents 3 & 4. Though the second respondent Joint Commissioner of Labour - II, Chennai has directed the fourth respondent to pay compensation of Rs.8,90,480 /- together with interest at the rate of 12% per annum to the present writ petitioner, the fourth respondent did not pay any amount till date.

2.In the instant case the Authorized Officer did not issue a certificate to the Recovery Officer namely the District Collector for recovery of arrears under Section 8(A) of the EPFO. The petitioner had not also approached the second respondent in this regard. When this was pointed out, the learned counsel for the writ petitioner contended that he would withdraw the petition after getting instructions from his client.



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3.In such circumstances, the matter was posted today under the caption 'for withdrawal'. Since the first respondent was not sent a certificate of Recovery by the second respondent authority, no direction can be given to the first respondent District Collector, Chengalpattu District.

4.Accordingly, this Writ Petition is disposed of. No costs.

17.11.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

1.The District Collector,
Collector Office, GST Road,
Chengalpattu District - 603 001.

2.The Joint Commissioner of Labour - II,
DMS Complex, Teynampet, Chennai - 6.



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R. HEMALATHA, J.
mtl

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