



WEB COPY



W.P.No.25528 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.25528 of 2008 and
M.P.No.1 of 2009

S.Marathal .. Petitioner

vs

1. The District Collector
Collectorate, Coimbatore 641 018.
2. The Deputy Commissioner of Labour
O/o Deputy Commissioner of Labour
Commissioner for Workmen's Compensation
Coimbatore 641 018.
3. The Management of
M/s Rajarajeswari Spinning Mills
Attappa Gownda Pudur Road
Kulatur, Neelambur Village
Palladam Taluk, Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to recover the compensation amount Rs.1,65,692/- with 12 % accrued interest from the date of accident to till date from the third respondent and pay to petitioner.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.Abishek Murthy
Government Advocate
for R1 & R2



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ORDER

The writ petition has been filed to direct the first respondent to recover the compensation amount of Rs.1,65,692/- with 12% accrued interest from the date of the accident, till date from the third respondent.

2. The petitioner states that her husband Mr.V.Pattisamy was working as scavenger in the respondent Management. On 28.02.2004, he met with an accident while cleaning the septic tank along with one Mr.Ammasai. The husband of the petitioner died during the course of the employment. She filed a petition in W.C.No.71 of 2004 under the Workmen's Compensation Act, 1923 and the competent authorities passed the order on 01.06.2005 granting compensation in favour of the petitioner. A sum of Rs.1,65,692/- was awarded along with the interest at the rate of 12% per annum.

3. The grievance of the writ petitioner is that the first respondent has failed to initiate action to recover the award amount from the third respondent. The petitioner has submitted a representation, which was also not responded. Thus, the petitioner is constrained to move the present writ petition.



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4. The award passed in the Workmen Compensation Act is to be executed by the District Collector by invoking the provisions of the Revenue Recovery Act, though the award was passed in the year 2005 and the husband of the writ petitioner died while cleaning the septic tank. This Court is of the opinion that the inaction resulted in hardship to the writ petitioner.

5. In view of the facts and circumstances, the first respondent is directed to initiate appropriate action under the Revenue Recovery Act against the third respondent and recover the award amount along with the interest and pay the same to the writ petitioner within a period of four months from the date of receipt of a copy of this order.

6. With these directions, the writ petition is allowed. There will be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Index : Yes/No
Neutral Citation : Yes/No

20.04.2023

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To:

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Collectorate, Coimbatore 641 018.
2. The Deputy Commissioner of Labour
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Commissioner for Workmen's Compensation
Coimbatore 641 018.



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S.M. SUBRAMANIAM, J.

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