



WEB COPY



W.P.No.28919 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28919 of 2011

M.Subramaniam

... Petitioner

-Vs-

1. S.Balachandar

2. The Executive Engineer,
Public Work Department,
Coimbatore-1.

3. The District Collector,
Collectorate,
Coimbatore-18.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the 3rd respondent to recover the compensation amount from the first and second respondents.

(Prayer amended as per order dated 29.08.2012 in M.P.No.1 of 2012 in W.P.No.28919 of 2011)

For Petitioner : Mr.A.Diviyasigamani
for Mr.G.B.Saravanabhavan
For R2 and R3 : Dr.T.S.Seenivasan
Special Government Pleader

ORDER



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This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the third respondent to recover the compensation amount from the first and second respondents.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 2 and 3 and perused the materials available on record.

3. The petitioner had worked as a Painter under the first respondent who is a registered Contractor of the second respondent. In the course of his employment, he had sustained grievous injuries in his left leg and left hand. Therefore, the petitioner was taken to hospital and treated. Thereafter, he filed a petition for compensation in W.C.No.67 of 2008 before the Assistant Commissioner of Labour, Coimbatore under the Workman Compensation Act. After the enquiry, the Award was passed on 13.10.2008, thereby directed the second respondent to pay a sum of Rs.1,58,580/-. It was further directed to the second respondent to deposit the award amount, within a period of 30 days. If not deposited within the stipulated time, the petitioner is also entitled for interest at the



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rate of 12% till the date of realization. The first and second respondents did not prefer any appeal as against the award and the award became final. Though the petitioner made a representation before the third respondent in order to recover the said compensation amount, no action has been taken based on the award dated 13.10.2008 so far.

4. Considering the above facts and circumstances of the case, the third respondent is directed to take appropriate and immediate action to recover the award amount from the first and second respondents, as per the award dated 13.10.2008 passed in W.C.No.67 of 2008 on the file of the Assistant Commissioner of Labour, Coimbatore, forthwith.

5. In view of the above, this writ petition stands allowed. No costs.

17.08.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Executive Engineer,
Public Work Department,
Coimbatore-1.
2. The District Collector,
Collectorate,
Coimbatore-18.

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