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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.25347, 29464 & 29465 of 2016

and

W.M.P.Nos.25505 & 25506 of 2016

W.P.No.25347 of 2016

D.Kalaivanan

... Petitioner

Vs.

- 1.The District Collector,
The Collector Office,
No.62, Rajaji Salai, Chennai – 1.
- 2.The Deputy Commissioner of Labour I,
Under Workmen Compensation Act 1923),
DMS Compound,
Thenampet, Chennai.
- 3.The Deputy General Manager,
The New India Insurance Company Ltd.,
Chennai Regional Office,
Spencer Tower, 3rd Floor, 770A, Anna Salai,
Chennai – 600 002.
- 4.The New India Insurance Company Ltd.,
New India Assurance Building,
87, Mahatma Gandhi Road, Fort, Bombay.

... Respondents



W.P.Nos.29464 & 29495 of 2016

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The New India Assurance Co. Ltd.,
Rep. by Mrs.Malar Karthikeyan,
Manager (Legal),
Deva Towers, 3rd Floor,
770, Anna Salai,
Chennai – 600 072.

... Petitioner

Vs.

1.D.Kalaivanan

2.The District Collector,
Collector's Office,
No.62, Rajaji Salai,
Chennai – 600 001.

3.The Deputy Labour Commissioner,
Labour Court – I under Workmen Compensation Act,
DMS Compound,
Teynampet,
Chennai – 600 006.

4.M/s.Vijayasa Engineering Pvt Ltd.,
Rep. by its Associate Director K.Suresh,
2520, 17th Main Road, 27th Cross,
VSK Second Stage,
Bangalore – 560 070.

5.M/s.Leighton Industries Pvt Ltd.,
Rep. by its General Manager (Buildings),
Simon Chewes,
Unit A & B, Ground Floor,
Temple Steps,
184-187, Anna Salai, Little Mount,
Saidapet, Chennai – 600 015.

6.M/s.Flextronics Technologies Pvt Ltd.,
Phase – I, SIPCOT Industrial Estate,



Sunguvarchatram,
Kancheepuram District.

... Respondents

Prayer in W.P.No.25347 of 2016: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to initiate Revenue Recovery proceedings as per the letter No:A4/7025/(W.C.No:23/2007) dated 14.03.2016 to collect the arrears amount of Rs.572671/- (Five lakhs seventy two thousand six hundred and seventy one only) payable under the award passed by 2nd respondent within the time limit fixed by this Court.

Prayer in W.P.No.29464 of 2016: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the proceedings No.A4/7025/2015 [W.C.No.23/2007] dated 14.03.2016 passed by the third respondent invoking Sec.31 of Recovery Act and to quash the same.

Prayer in W.P.No.29465 of 2016: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings No.A4/7025/2015 [W.C.No.23/2007] dated 14.03.2016 passed by the third respondent and to quash the same and consequently direct the third respondent to pass a reasoned order as directed by this Court including maintainability of the same.

W.P.No.25347 of 2016

For Petitioner : Ms.P.Uma

For Respondents : Mr.M.S.Prem Kumar
Government Advocate [R1 & R2]
Mr.S.R.Sundar [R3 & R4]



W.P.Nos.29464 & 29465 of 2016

WEB COPY For Petitioner : Mr.S.R.Sundar

For Respondents : Ms.P.Uma [R1]
Mr.M.S.Prem Kumar
Government Advocate [R2 & R3]
Notice not ready [R4 & R5]
No appearance [R6]

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, with the consent of the learned counsel appearing for parties, these writ petitions were heard together and disposed of by this common order.

2. The petitioner in W.P.No.25347 of 2016 is hereinafter referred to as Workman and the petitioner in W.P.Nos.29464 and 29465 of 2016 is hereinafter referred to as Insurance Company.

3. The workman filed a claim petition in W.C.No.23 of 2007 under Section 31 of the Workmen Compensation Act, 1923 (in short 'the Act') against his employer, namely M/s.Vijayasa Engineering Pvt Ltd, fourth respondent in W.P.No.29464 & 29465 of 2016. Though the compensation of a sum of Rs.5,20,584/- was awarded in favour of the workman, however,



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there is no specific direction for payment of interest, thereby, the workman filed a writ petition before this Court in W.P.No.573 of 2016 seeking Mandamus, to direct the Deputy Commissioner of Labour I/second respondent in W.P.No.25347 of 2016 to take immediate steps to list and adjudicate the petition filed by the workman for payment of interest as well as for issuance of revenue recovery certificate. This Court, by its order, dated 08.01.2016 issued a direction to the said respondent to consider the workman representation dated 23.11.2015 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of that order. Pursuant to which, the said respondent vide proceedings dated 14.03.2016 arrived at a interest to be paid for the award amount. Challenging the interest awarded in the said proceedings dated 14.03.2016, the Insurance Company have filed writ petitions before this Court in W.P.Nos.29464 and 29465 of 2016. The workman has filed W.P.No.25347 of 2016 to direct the first respondent/District Collector to initiate revenue recovery proceedings in terms of the order passed by the Deputy Commissioner of Labour I, dated 14.03.2016, within a time frame fixed by this Court.



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4. The learned counsel appearing for the Insurance Company submits that, though without giving any adequate opportunity to the Insurance Company, the impugned proceedings is passed, however, this Court may permit the Insurance Company to pay the amount determined in the impugned proceedings within a time frame that may be fixed by this Court. Further, this Court may grant liberty to the Insurance Company to initiate appropriate proceedings as against the employer of the workman, namely M/s.Vijayasa Engineering Pvt Ltd. and challenge the proceedings, dated 14.03.2016 in the manner known to law.

5. The learned counsel for the workman has no serious objection for the said order being passed.

6. Heard the learned counsel for the workman, learned counsel for the Insurance Company and the learned Government Advocate appearing for the official respondents and perused the materials available on record.

7. Considering the above submissions made by the learned counsel appearing for the Insurance Company, this Court, without going into the



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merits of the case, directs the Insurance Company to pay the impugned award amount made in the impugned proceedings, dated 14.03.2016 to the workman, within a period of four (4) weeks from the date of receipt of a copy of this order. Further, it is open to the Insurance Company to initiate appropriate proceedings against the M/s.Vijayasa Engineering Pvt Ltd. and to challenge the impugned proceedings, dated 14.03.2016 before the appropriate forum in the manner known to law and the period pending before this Court is excluded for the purpose of limitation.

8. In view of the above direction, no further order is necessary in W.P.No.25347 of 2016. Accordingly, W.P.No.25347 of 2016 stands closed and W.P.Nos.29464 and 29465 of 2016 stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

20.07.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

1.The District Collector,
The Collector Office,
No.62, Rajaji Salai, Chennai – 1.



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M.DHANDAPANI, J.

sp

- 2.The Deputy Commissioner of Labour I,
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