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W.P.No.30886 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.30886 of 2016

1. Shanthi
2. Megala

...Petitioners

Vs.

1. The Deputy Commissioner of Labour-II,
DMS Campus, Chennai-6.
2. The District Collector,
Chennai District, Chennai.
3. The Tahsildar,
Purasaiwalkam, Chennai.
4. M/s.A.M.Ahamed & Co.,
Rep. by its Proprietor,
No.205, Linghi Chetty Street,
Mannady, Chennai-1.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to recover the total award amount of Rs.3,24,600/- with 12% from the date of accident along with penalty of 50% award amount from the 4th respondent or otherwise.



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For Petitioners : Mr.V.Velu

For Respondents : Mr.V.Ravi, Spl.GP, for R1 to R3
: Mr.M.J.Jaseem Mohammed, for R4

ORDER

This Writ petition has been filed seeking direction to 2nd respondent to recover the total award amount of Rs.3,24,600/- with 12% from the date of accident along with penalty of 50% award amount from the 4th respondent.

2. The 1st petitioner is the mother of the 2nd petitioner. It is the case of the petitioners that, the 1st petitioner's deceased husband namely Nagaraj was employed as Load man in the 4th respondent company for a monthly salary of Rs.4,000/-, who met with an accident on 05.02.2008 during the course of employment under the 4th respondent and died on 12.02.2008. However, the 4th respondent ignored the said incident and did not provide any assistance to the petitioners. Aggrieved by the said action of the 4th respondent, the petitioners filed an application before the 1st respondent in W.C.No.111 of 2010, who in turn passed an award dated 08.07.2014, directing the 4th respondent to pay a compensation of Rs.3,24,600/-, failing which, 12% interest shall be charged from the date of occurrence till the date



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of deposit of the said compensation amount. However, the 4th respondent did not pay the compensation amount to the petitioners, despite the show cause notice dated 05.06.2015 issued by the 1st respondent. Therefore, the 1st respondent, vide letter dated 16.09.2015 bearing No.B3/4343/2015, directed the 2nd respondent to give necessary instruction to the concerned Revenue Authority to initiate Revenue Recovery proceedings against the 4th respondent to recover the compensation amount along with 12% interest. However, till date, the said letter of the 1st respondent was not implemented. Hence, this Writ petition.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that, during the pendency of this Writ petition, the entire award amount of Rs.3,24,600/- along with the interest amount of Rs.3,67,400/- and totally a sum of Rs. 6,92,000/- was paid to the petitioners. Hence, nothing survives for further adjudication and accordingly, he prayed for dismissal of this Writ petition.

4. Per contra, the learned counsel for the petitioners submitted that,



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though the petitioners received the compensation amount, however, there are some error in calculating the interest for the said award amount. Hence, he submitted that, this Court may issue direction to the respondents to furnish the calculation details to the petitioners, enabling the petitioners to workout the remedy in the manner known to law.

5. Heard learned counsel on either side and perused the materials placed on record.

6. In view of the above submission made by the learned Special Government Pleader appearing for the respondents 1 to 3, as the petitioners were already paid with the entire compensation amount along with interest, this Court is of the view that, no further order is necessary in this Writ petition. Further, as per the direction of this Court, the calculation memo was also furnished to the learned counsel for the petitioners before this Court today.

7. For the reasons aforesaid, this Writ Petition stands disposed of with



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a liberty to the petitioners to workout the remedy in the manner known to

law. No costs.

10.07.2023

skt

NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

1. The Deputy Commissioner of Labour-II,
DMS Campus, Chennai-6.
2. The District Collector,
Chennai District, Chennai.
3. The Tahsildar,
Purasaiwalkam, Chennai.

M.DHANDAPANI., J.

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