



WEB COPY



W.P.No.26507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

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

W.P.No.26507 of 2023

Prabhu

...Petitioner

Vs.

1. The Joint Commissioner of Labour-II,
Teynampet, Chennai – 600 006.
2. United India Insurance Co.Ltd.,
VTN Arihant Residency,
Old No.139, New No.50, 2nd Floor,
North Usman Road T.Nagar, Chennai – 600 017.

Present Address:

United India Insurance Co.Ltd.,
Silingi Building, 2nd Floor,
No.134, Greams Road, Chennai – 600 006.

3. The Deputy Tahsildar,
(Nungambakkam-Thousand lights),
No.88, Mayor Ramathan Salai,
Chetpet, Chennai – 600 031.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to initiate recovery proceedings under the Revenue Recovery Act, 1898 against the 2nd respondent to recover the enhanced compensation amount sum of Rs.7,17,424/-(Seven Lakhs seventeen thousand four hundred and twenty four only)along with 12% interest per annum as on date of accident, ordered in CMA.No.1641 of 2016 dated 21.09.2020 against the 2nd respondent.



W.P.No.26507 of 2023

For Petitioner : Mr.V.Tamilamudhu

For Respondents : Mr.M.S.Prem Kumar, GA, for R1 & R3

ORDER

This Writ petition has been filed seeking direction to the 1st respondent to initiate recovery proceedings as against the 2nd respondent to recover the enhanced compensation amount of Rs.7,17,424/- along with 12% interest per annum as on date of accident, ordered in CMA.No.1641 of 2016 dated 21.09.2020.

2. Mr.M.S.Prem Kumar, learned Government Advocate takes notice for the 1st and 3rd respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.



W.P.No.26507 of 2023

4. The case of the petitioner is that the petitioner was working as a mason under one Ganesn and was drawing a monthly salary of Rs.12,000/-.

While so, on 26.12.2010, when the petitioner was handling the iron rod, an iron rod hit his right eye, due to which, he sustained grievous injuries. Thereby, the petitioner filed a Workmen compensation petition in W.C.No.261/2011 before the 1st respondent, seeking compensation of Rs.10,00,000/- as against the employer, in which a final order came to be passed on 23.04.2014, directing the 2nd respondent to deposit the compensation of Rs.3,78,528/-. Challenging the same, the petitioner filed an appeal in C.M.A.No.1641 of 2016 and this Court, vide order dated 21.09.2020 allowed the said appeal and modified the award amount to Rs.10,91,952/-. Despite the above said order, till date the 2nd respondent has not deposited the enhanced award amount. Therefore, the petitioner sent a letter dated 24.01.2023 to the Commissioner of Workmen's Compensation-II, seeking to initiate revenue recovery proceedings for collecting the award amount and also sent a representation dated 16.08.2023 to that effect, however, till date, no orders have been passed on the same. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for



W.P.No.26507 of 2023

the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to initiate recovery proceedings as against the 2nd respondent to recover the balance compensation amount of Rs.7,17,424/- along with 12% interest per annum as ordered in CMA.No.1641 of 2016 dated 21.09.2020, as expeditiously as possible.

6. Learned Government Advocate appearing for the 1st and 3rd respondents submitted that, appropriate orders will be passed on the petitioner's representation within the time stipulated by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the petitioner to send a copy of the representation dated 16.08.2023 to the 1st respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the said representation, the 1st respondent shall consider the same on merits and pass appropriate orders in accordance with law within a period of six weeks thereafter, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.



W.P.No.26507 of 2023

8. With the above directions, this Writ petition stands disposed of. No

costs.

11.09.2023

skt

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

To

1. The Joint Commissioner of Labour-II,
Teynampet, Chennai – 600 006.
2. United India Insurance Co.Ltd.,
VTN Arihant Residency,
Old No.139, New No.50, 2nd Floor,
North Usman Road T.Nagar, Chennai – 600 017.

Present Address:

United India Insurance Co.Ltd.,
Silingi Building, 2nd Floor,
No.134, Greams Road, Chennai – 600 006.

3. The Deputy Tahsildar,
(Nungambakkam-Thousand lights),
No.88, Mayor Ramathan Salai,
Chetpet, Chennai – 600 031.

5/6



WEB COPY



W.P.No.26507 of 2023

M.DHANDAPANI., J.

skt

W.P.No.26507 of 2023

11.09.2023