



W.P.No.20464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20464 of 2023

H.Shankar

. . . Petitioner

Vs.

1. Deputy Commissioner of Labour-II,
DMS Compound, Teynampet, Chennai-600 002.
2. Royal Sundaram General Insurance Company Limited
(Formerly known as) Royal Sundaram Alliance
Insurance Company Limited
TP Department, Subramanian Building, II Floor, Club House Road,
LM Opposite Sindhur Hotel, Chennai-600 002.

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to recover the interest amount of Rs.42,150 together with penalty of 50% of arrears to recover the interest amount from the 2nd respondent in view of the letter dated 27.10.2016 (Aa3/4651/2015) issued in pursuance of order dated 23.03.2015 in EC No.244 of 2014 and pass such further or other suitable orders in the nature of any other writ or direction or order.



For petitioner : M/s.F.Terry Chella Raja
For Respondents : Mr.M.S.Prem Kumar for R1

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to recover the interest amount together with penalty of 50% of arrears amount from the 2nd respondent in the light of the order passed by the 1st respondent in EC.No.244 of 2014.

2. Since, no adverse order is being passed against the respondents 1 & 2, notice to respondents 1 & 2 is dispensed with.

3. The petitioner is employed as a driver of a car belonging to one P.T.Manoharan. During the course of his employment, the petitioner met with an accident caused by a Lorry which was driven in a rash and negligent manner, due to which, the petitioner sustained grievous injuries. Therefore, the petitioner filed a petition before the 1st respondent claiming compensation pursuant to which, the award has been passed in E.C.No.244 of 2014 directing the insurer of the vehicle, the 2nd respondent to pay the compensation amount of Rs.4,55,940/- along with interest at the rate of 12%



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to the petitioner. The 2nd respondent has deposited the said compensation amount without paying interest amount of Rs.42,150/-. Though several representations have been made for payment of the interest amount, till date, no steps have been taken by the 2nd respondent to deposit the interest amount. Hence, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to take steps to recover the interest amount from the 2nd respondent in the light of the order passed in E.C.No.244 of 2014 within the time that may be stipulated by this Court.

5. On the above contention, this Court heard the learned counsel appearing for the 1st respondent who has no objection to the said order being passed.

6. In view of the limited relief sought for by the petitioner, this Court directs the 1st respondent to take steps to recover the interest amount of Rs.42,150/- from the 2nd respondent in the manner known to law and disburse the same to the petitioner, if there is no legal impediment.



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M.DHANDAPANI, J

NHS

7. Accordingly, this Writ Petition stands disposed of with the above direction. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

NHS

To

Deputy Commissioner of Labour-II,
DMS Compound, Teynampet, Chennai-600 002.

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