



WEB COPY



W.P.No.32203 of 2023
and W.M.P.No.31812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.32203 of 2023
and
W.M.P.No.31812 of 2023

1.G.Malliga
2.G.Tamilzhalarasi
3.G.Kalaiarasi
4.G.Muthuamizhalarasan
5.G.Illavarasi

... Petitioners

Vs.

1.The District Collector,
O/o. Collectorate Office,
Rajaji Salai, Chennai – 1.

2.The Tahsildar,
O/o. Tahsildar Office,
Purasaiwalkam Taluk,
Chennai – 3.

3.The General Manager,
Southern Railways,
Park Town, Chennai – 3.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to proceed under Revenue Recovery Act to recover the compensation amount of Rs.6,44,200/- with interest of 12% of annual interest from the



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date of accident till the date of deposit amount from the third respondent as per the proceedings No.A3/6210/2023 dated 17.07.2023 issued by the Joint Commissioner of Labour – II, Chennai.

For Petitioners : Mr.G.Somasekar
For RR1 & 2 : Mr.M.Shahjahan,
For R3 : Mr.Prasad Vijayakumar
Standing Counsel

ORDER

The first petitioner's husband was a workman under one Sampath, a Railway Contractor. On 07.10.2016, the first petitioner's husband during the course of employment while crossing the Thirumalpur Bridge, accidentally fell down and died on the spot. Since the death occurred during the course of employment, the petitioners 1 to 5 along with the first petitioner's mother-in-law and father-in-law filed a petition before the Joint Commissioner of Labour-II, Chennai under the Workmen's Compensation Act in W.C.No.239/2017. The Joint Commissioner of Labour-II, Chennai vide his orders dated 25.07.2022 directed the third respondent Southern Railways to pay compensation of Rs.6,44,200/- to all the legal heirs of the deceased Ganesan within 30 days from the date of his orders.



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2.Since the Southern Railways did not pay the compensation to the legal heirs of the deceased Ganesan, they approached the Joint Commissioner of Labour-II, Chennai by way of filing representation dated 28.12.2022 requesting the latter to initiate proceedings against the third respondent under the Revenue Recovery Act. Accordingly, the Joint Commissioner of Labour-II, Chennai vide his proceedings in A3/6210/2022 dated 17.07.2023 sent a communication to the first respondent District Collector to recover a sum of Rs.6,44,200/- under the Revenue Recovery Act together with interest @ 12% per annum from the third respondent Southern Railways.

3.The first respondent District Collector in turn delegated his power to the Tahsildar, Purasaiwalkam Taluk to initiate action against the third respondent / Southern Railways. The Tahsildar sent a demand notice in Na.Ka.No.A3/19595/2023 dated 14.11.2023 to the third respondent / Southern Railways to pay the compensation.



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4.It is seen from the records, though the orders were passed in the year 2022 directing the Southern Railways to pay compensation amount to the legal heirs of the deceased employee Ganesan under the Workmen Compensation Act, till date no amount has been paid by the third respondent. In these circumstances, the first respondent/District Collector is directed to recover the amount from the third respondent Southern Railways within a period of six weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

17.11.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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To

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R. HEMALATHA, J.

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