



W.P.(MD).No.18967 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.18967 of 2023

P.Annadurai

... Petitioner

Vs.

The Regional Manager,
National Insurance Company,
Regional Office,
No.33, Bharathidasan Road,
Cantonment,
Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to deposit a sum of Rs.41,039/- representing the interest from 26.05.1998 to 25.10.2002 towards interest calculated at the rate of 12% per annum on the compensation amount of Rs.77,501/- before the Deputy Commissioner of Labour, Tiruchirappalli in Letter No.A4/12753/2002, dated 02.12.2002 within a specified time fixed by this Court.

For Petitioner : Mr.Shangar Murali

For Respondent : No appearance



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ORDER

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The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondent to deposit a sum of Rs.41,039/- representing the interest from 26.05.1998 to 25.10.2002 towards interest calculated at the rate of 12% per annum on the compensation amount of Rs.77,501/- before the Deputy Commissioner of Labour, Tiruchirappalli in Letter No.A4/12753/2002, dated 02.12.2002 within a specified time fixed by this Court.

2.Heard the learned counsel appearing for the petitioner.

3.There is no representation for the respondent.

4.The petitioner was working as a Driver and met with an accident. The petitioner filed W.C.No.195 of 1998 before the Deputy Commissioner of Labour, Tiruchirappalli and a sum of Rs.77,501/- was fixed as compensation along with interest at the rate of 12% per annum. The respondent deposited the compensation amount of Rs. 77,501/- only on 25.10.2002. However, the interest was not deposited. In terms of the order passed by the Deputy Commissioner of Labour,

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Tiruchirappalli, the petitioner is entitled to interest at the rate of 12% per annum on the compensation amount from the date of the accident, i.e., from 26.05.1998 till the date of realization. The respondent has already been directed by the Deputy Commissioner of Labour, Tiruchirappalli, to pay a sum of Rs.41,039/- as interest from 26.05.1998 to 25.10.2002, vide proceedings, dated 02.12.2002. While so, the petitioner made a representation on 10.09.2022 calling upon the respondent to pay interest at the rate of 12% per annum on the compensation amount from 26.05.1998 till the date of realization. However, the same was not considered. Hence, this Writ Petition came to be filed.

5.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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6.Considering the facts and circumstances of the case, this Court direct the respondent to consider the representation of the petitioner, dated 10.09.2022 and pay all the eligible amount at the rate of 12% interest for the compensation amount from the date of the accident ie., on 26.05.1998 till the date of realization within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

24.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

The Regional Manager,
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L.VICTORIA GOWRI, J.

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