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W.P.(MD)NO.10729 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10729 of 2015

D.Lenin

... Petitioner

Vs.

1. The District Collector,
Kanyakumari.

2. The Tahsildar,
Thakkalai,
Kanyakumari District.

3. Lalithabai

4. C.Jeyaraman

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to act upon the certificate for recovery of the award amount due from the respondents No.3 & 4 issued by the Deputy Labour Commissioner, Tirunelveli vide Na.Ka. No. Aa1/7679/2011 dated 30.03.12 in accordance with law.

For Petitioner : Mr.R.Venkatesan

For R-1 & R-2 : Mr.D.Gandhiraj,
Special Government Pleader.

For R-4 : Mr.J.John Jayakumar

For R-3 : No appearance.

* * *

**ORDER**

Heard the learned counsel on either side.

2. The petitioner's brother Vijayan died while repairing a ring well belonging to the third respondent. The fourth respondent was the contractor. Vijayan was engaged by the fourth respondent. Since there was a collapse of the well, some of the workers got buried underneath and died. In this regard, WC.No.68 of 2006 was filed before the Deputy Commissioner of Labour, Tirunelveli. The petitioner and his mother Dasammal were the applicants. The award was passed on 31.12.2010. A sum of Rs.3,27,705/- was directed to be paid. The liability was fastened on respondents 3 and 4.

3. Certificate was also issued. It is for the respondents 1 and 2 to enforce the same and recover the award amount for the applicants.

4. Though the petitioner is one of the applicants, I am of the view that the award amount should go in favour of the



mother. If the petitioner's mother is not available, the petitioner is entitled to the award amount. Section 31 of the Employee's Compensation Act, 1923 is as follows:-

“ **Recovery** - The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890 (1 of 1890).”

5. The Deputy Commissioner of Labour, Tirunelveli issued certificate vide Na.Ka.No.A1/7679/2011 dated 30.03.2012 in this regard calling upon the District Collector to invoke the provisions of The Revenue Recovery Act 1890. Even though the first respondent is in receipt of the communication as well as the certificate way back in March 2012, no substantive action appears to have been undertaken. The first respondent is directed to take consequential steps under the provisions of The Revenue Recovery Act 1890 and ensure that the award passed in favour of the petitioner and



his mother is satisfied. This shall be done within a period of four months from the date of receipt of a copy of this order.

This writ petition stands allowed. No costs.

06.07.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

1. The District Collector,
Kanyakumari.
2. The Tahsildar,
Thakkalai,
Kanyakumari District.



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G.R.SWAMINATHAN,J.

PMU

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