



W.P.(MD).No.26493 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26493 of 2023

R.Pandi

... Petitioner

Vs.

1. The District Collector,
Madurai District.
2. The Tahsildar,
Usilampatti Taluk,
Madurai District.
3. The Joint Commissioner of Labour,
(Workman Compensation)
Madurai.
4. The Plan Officer (Commissioner),
Panchayat Union Office,
Peraiyoor Road,
Usilampatti Taluk,
Madurai District.
5. Saravanan @ Mayi Saravanan
(Contractor)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents 1



W.P.(MD).No.26493 of 2023

to 3 herein to consider the petitioner representation dated 25.09.2023 and to recover the sum of Rs.6,85,402/- together with interest at the rate of 12% per annum with effect from up to the date of recovery from the fourth respondent as per the award dated 05.05.2021 passed in W.C.No.8 of 2017 in accordance with Section 31 of the Employee Compensation Act, 1923, within stipulated time limit fixed by this Court.

For Petitioner : Mr.V.Sriram

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1 to R3

ORDER

The present Writ Petition has been filed by an employee, who had the benefits of an award in W.C.No.8 of 2017 on the file of the third respondent herein. Even though the said award was passed on 05.05.2021, so far, the petitioner is not able to realize the fruits of the said award. The third respondent, who passed an award had addressed a letter to the District Collector on 25.04.2022 requesting to initiate action under the Revenue Recovery Act. The District Collector, in turn, had addressed the letter on 26.08.2022 to the third respondent herein pointing out Section 31 of the Employee's Compensation Act, 1923, that the Commissioner himself is



W.P.(MD).No.26493 of 2023

entitled to initiate action under the Revenue Recovery Act. Even thereafter, the third respondent has chosen to address another letter to the District Collector on 22.08.2023.

2. It could be seen from the communications between the first respondent and the third respondent, that there is a dispute with regard to the jurisdiction of the authority to invoke the provisions of the Revenue Recovery Act. Section 31 of the Employees Compensation Act, 1923, is extracted as follows:

“31. 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.”

3. In view of the amendment effected in the Employees Compensation Act, 1923, the third respondent himself is entitled to initiate proceedings under the Revenue Recovery Act and issue direction to the second respondent



W.P.(MD).No.26493 of 2023

to carry out the said directions.

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4. In view of the above said facts, the respondents 2 and 3 herein are directed to invoke the provisions of Revenue Recovery Act, and see that the fruits of the award under the Employees Compensation Act, 1923, are realized by the writ petitioner. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

06.11.2023

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

1. The District Collector,
Madurai District.
2. The Tahsildar,
Usilampatti Taluk,
Madurai District.
3. The Joint Commissioner of Labour,

4/5



W.P.(MD).No.26493 of 2023

(Workman Compensation)
Madurai.

R.VIJAYAKUMAR,J.

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W.P(MD)No.26493 of 2023

06.11.2023