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W.P.No.10134 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26 .07.2024

C O R A M

THE HONOURABLE Dr. JUSTICE D.NAGARJUN

Writ Petition No.10134 of 2024

1. R. Bhavani
2. Mino. R. Sharmila
rep. By mother and natural guardians of R.Bhavani
3. Manavalan
4. Padmavathy ... Petitioner

Versus

1. M/s.The Asia (Chennai) Engineering Co. Ltd.,
Golden Perch, No.2, First Floor,
Wheat Creaft Road, Nungambakkam,
Chennai-600 0034.
2. M/s.United India Ins. Co. Ltd.,
C/o Motor Third Party Claims Office,
Silingin Buldings, No.134, Greams Road,
Chennai-600 006.
3. The District Collector,
District Collector Office,
Rajaji Salai, George Town,
Chennai-600 001. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 3rd respondent to take



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proceedings under Revenue Recovery Act 1890 to collect the sum of Rs.4,65,938/- with 12 % interest after 30 days from the date of filing of the petition to till date and also penalty for non payment till date as per EC Act from the first respondent.

For petitioner	... Mr.T.G.Balachandran
For Respondents	... Mr.G.C.Nelson Britto for M/s.V.Tamil Nadhu for R.1 ... Mr.R.U.Dinesh Raj Kumar Additional Government Pleader for R.3

ORDER

This Writ Petition is filed for issue of Writ of Mandamus directing the third respondent/ District Collector to initiate proceeding under the Revenue Recovery Act, for recovery of Rs.4,65,938/- at the rate of 12% interest per annum.

2. It is submitted by the learned counsel for the petitioner that first petitioner's husband by name Mr.Ragupathy, was doing Mason work and died during course of employment on sustaining injuries. The petitioner filed E.C.No.83 of 2014, on the file of the Deputy Commissioner of Labour, Chennai, claiming compensation. Prior to filing of E.C.No.83 of



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2014, a legal notice was also issued. There was valid policy bearing

No.012601/41/13/01/00000545 for the period 16.01.2014 to 15.04.2014.

The Deputy Commissioner of Labour has fixed minimum wages as per G.O.(2D).No.19, dated 20.05.2004 and directed the first respondent the employer to pay Rs.3,81,222/- by second respondent and Rs.4,65,938/- by first respondent.

3. The petitioner has filed CMA.No.594 of 2017 on the file of this Court seeking enhancement of minimum wages from Rs.8,571/- and for grant of interest after 30 days from the date of filing of claim petition with 12 % per annum. This Court as per order dated 24.03.2021 granted only interest at the rate of 12 % per annum.

4. The second respondent has deposited principal amount of Rs.3,81,222/- without interest and first respondent has not deposited even principal amount. The second respondent has stated to have deposited interest before the Deputy Commissioner of Labour II, and it was refunded to second respondent. The first respondent has not deposited 50% of the share calculated in the above sum of Rs.4,65,938/- till date inspite of repeated reminders and therefore the present Writ Petition is



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filed.

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5. The respondents have not filed the counter affidavit. Heard both sides and perused the records.

6. The husband of the first petitioner has died in the accident happened in the construction spot. He was working as Mason. After death of the first petitioner's husband, the petitioners have filed E.C.No.83 of 2014 and the same was disposed off by the Deputy Commissioner of Labour, directing the first respondent to pay an amount of Rs.4,65,938/- and the second respondent to pay an amount of Rs.3,81,222/-. Aggrieved by the said orders, the petitioners have filed CMA.No.594 of 2017 for enhancement, but it was not considered except payment of interest at the rate of 12 % per annum.

7. In response to the orders of the Deputy Commissioner of Labour, in E.C.No.83 of 2014 which was confirmed in CMA.No.594 of 2017, the second respondent insurance company has deposited entire principal amount of Rs.3,81,222/-. Though interest also deposited by second respondent, there was mistake and it was remitted back to insurance



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company. Insofar as the first respondent is concerned, the first respondent has not deposited 50% of the share calculated at Rs.4,65,938/- inspite of repeated reminders.

8. On the request of the petitioner, proceedings have been initiated by the Deputy Commissioner of Labour to recover the money under the Revenue Recovery Act, 1980 through the District Collector Madras. Even after filing of present Writ Petition, the first respondent has not paid the amount of Rs.4,65,938/-. It is to be noted that the Deputy Commissioner of Labour has passed orders granting compensation on 08.10.2016. Even after the lapse of six years, the first respondent has neither paid the principal amount nor the interest. Therefore, the first respondent is bound to pay the principal amount as well as interest accrued on it.

9. The learned counsel for the first respondent has submitted that he has filed review in CMA.No.594 of 2017 and submitted before this Court to defer the disposal of this Writ Petition until Review is finalised. According to the respondent the Review Application was filed in the year 2021, but so far it had not been numbered. There are no stay orders in respect of execution of the orders passed by the Deputy Commissioner of



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Labour. In view of the above, the first respondent cannot escape from the liability of making payment of Rs.4,65,938/- along with the interest at the rate of 12% per annum. The petitioner has sought for direction to the third respondent, the District Collector to recover Rs.4,65,938/- from the first respondent along with interest as granted by this Court in CMA.No.594 of 2017. Since, money to be paid to the petitioner has not been paid by the first respondent, a direction shall be given to the third respondent to initiate steps against the first respondent under the Revenue Recovery Act.

10. In the result, this Writ Petition is allowed. The third respondent is directed to initiate steps to recover an amount of Rs.4,65,938/- along with interest at the rate of 12% per annum from the first respondent under the Revenue Recovery Act as quickly as possible, not later than 12 weeks from the date of receipt of copy of this order.

26.07.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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C/o Motor Third Party Claims Office,
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2. The District Collector,
District Collector Office,
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Dr.D.NAGARJUN, J.

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