



WEB COPY



W.P.No.3813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2024

CORAM:

THE HON'BLE DR JUSTICE D.NAGARJUN

W.P.No.3813 of 2022

Tmt. V. Jayalakshmi
W/o. Late Vengatesan,
No.1/52, Malaikuravaran Street,
Thulukanoor Village,
Kaillanatham Post,
Alathur Taluk,
Salem,
Salem District – 636 141.

...Petitioner

Versus

- 1.The District Collector,
Salem District,
Salem – 636 001.
- 2.The Tahsildar,
Salem Taluk
Salem – 636 007.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12 Ramakrishna Road,
Salem – 636 007.

...Respondent

Prayer: This writ petition is filed under Article 226 of the Constitution of



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India, with a prayer to issue a writ of Mandamus directing the 2nd respondent/Tahsildar to implement the order of the 1st respondent vide proceedings bearing Na.Ka.No.31157/2021/E4 dated 30.11.2021 and to recover the amount as per the certificate issued on 28.10.2021 by the Deputy Commissioner of Labour, Salem as on date and to remit the same as per the certificate apart from any other damages for the sufferings caused to petitioner by negligent act of the 3rd respondent.

For Petitioner : Mr.T.Pichappa

For Respondents

R1 and R2 : Mr.RU.Dinesh Raj Kumar
Additional Government Pleader

R3 : Mr.K.Raja
Standing Counsel
for TNSTC (Salem)

ORDER

This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Mandamus directing the 2nd respondent/Tahsildar to implement the order of the 1st respondent vide proceedings bearing Na.Ka.No.31157/2021/E4 dated 30.11.2021 and to recover the amount as per the certificate issued on 28.10.2021 by the Deputy Commissioner of Labour, Salem as on date and to remit the same as per the certificate apart from any other damages for the sufferings caused to petitioner by negligent act of the 3rd respondent.

2. Mr.T.Pichappa, learned counsel for the petitioner submitted that



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the petitioner husband by name Mr.Vengatesan, joined the R3/ The Managing Director, Tamil Nadu State Transport Corporation as conductor. On 22.04.2015, the petitioner husband was on duty and an accident took place at 01.15 AM and the petitioner husband sustained grievous injuries and died ultimately on 12.08.2015.

3. The petitioner filed an application before the concerned authority under the Workmen's Compensation Act, 1923 at Joint Commissioner of Labour, Salem, after conducting an enquiry on 27.12.2019 in EC.Case No.12 of 2019 was allowed directing the 3rd respondent to pay a sum of Rs.7,36,680/- along with interest at the rate of 12% per annum from 12.08.2015 until the date of realization within 30 days from the date of receipt of with a further direction to pay a sum of Rs.5000/- towards funeral expenses. On 22.10.2020, the 3rd respondent without depositing the interest amount has simply deposited only the awarded sum of Rs.7,36,680/- and has failed to deposit the 12 % interest amount and funereal expenses of Rs.5000/-. In respect of balance amount of Rs. 4,99,214/-, the Joint Commissioner of Labour forwarded the directions to Respondent No.1/ District Collector who in turn has directed the 2nd Respondent/Tahsildar to implement the directions as per the proceedings dated 30.11.2021 as per the certificate issued on 28.10.2021,



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R2/Tahsildar to initiate the action. However, R2, Tahsildar has not taken any notice and therefore, sought for mandamus. Learned counsel appearing for the respondent No.2 has preferred CMA.No.551 of 2022 for setting aside the order dated 27.12.2019, however the said CMA was dismissed by the Commissioner of Employees Compensation.

4. In view of the submissions made by both sides and on perusal of the records, this writ petition stands disposed of directing the second respondent to initiate proceedings under Revenue Recovery Act, 1864 as per the proceedings in Na.Ka.No.31157/2021/E4 dated 30.11.2021 issued on 28.10.2021 by the first respondent by following due process of law, as quickly as possible but not less than six (6) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

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Index : Yes/No
Speaking : Yes/No
Neutral Citation Case: Yes/No
nst

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