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WP.No.3464 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.04.2024

CORAM:

THE HON'BLE DR JUSTICE D.NAGARJUN

WP.No.3464 of 2024

R.Rajendran

...Petitioner

Versus

1.The District Collector,
Collectorate,
Villupuram District.

2.The Joint Commissioner of Labour,
Vellore Region,
Abdullapuram,
Vellore – 632 010.

3.Tamil Nadu State Transport Corporation,
Represented by its Managing Director,
Villupuram Division,
Villupuram – 605 602.

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Mandamus directing the 1st respondent to recover from the 3rd respondent the amount of compensation awarded with applicable interest in terms of the order of the 2nd respondent dated 23.03.2022 in EC.No.134 of 2017 and remit the same with the 2nd respondent in a time bound manner.



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For Petitioner : Mr.A.Mohamed Ismail
For Respondents : Mr.RU.Dinesh Raj Kumar
Additional Government
Pleader – R1 & R2.
: No Appearance - R3

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 1st respondent to recover from the 3rd respondent the amount of compensation awarded with applicable interest in terms of the order of the 2nd respondent dated 23.03.2022 in EC.No.134 of 2017 and remit the same with the 2nd respondent in a time bound manner.

2. It is submitted by the learned counsel for the petitioner that the petitioner was employed as a Driver with the 3rd Respondent/Tamil Nadu State Transport Corporation since 1990. On 12.02.2010, when he was on duty and driving the bus with registration No.TN 32 N 2618 from Sangarapuram to Chennai, the vehicle met with an accident with a Tanker Truck. The petitioner suffered injuries on his lower limb and grievous injuries in other parts of his body. The petitioner has taken treatment in Government Hospital Chennai from 13.02.2010 to



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17.03.2010, a surgery was performed in his left leg and metal plates were inserted.

3. The 3rd respondent did not pay any compensation for the loss suffered by the petitioner on account of accident. The petitioner has filed EC.No.134 of 2017 on the file of the 2nd respondent which was considered the same and passed the award on 23.03.2022 awarding compensation of Rs.9,87,545/- to be paid with an interest of 12 % from the date of accident until realization. However, the 3rd respondent did not choose to pay the amount or prefer an appeal. The petitioner has made a request to the 2nd respondent in respect of recovery of the said amount. Respondent No.2 in turn by way of letter dated 28.09.2022 in Na.Ka.No.E2/1545/2017 directed the 3rd respondent to pay the amount with interest at the rate of 12 per cent per annum within 30 days from the date of receipt of the letter. The 2nd respondent has also requested to the 1st respondent to initiate the process under the Revenue Recovery Act for recovery of the awarded amount. In spite of that no action was initiated and therefore sought for writ of Mandamus directing the 1st respondent to recover from the 3rd respondent the amount of compensation awarded with applicable interest in terms of the order of the 2nd respondent dated



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23.03.2022 in EC.No.134 of 2017 and remit the same with the 2nd respondent in a time bound manner.

4. Heard learned counsel for the petitioner and learned Additional Government Pleader for R1 and R2 and there is no appearance of R3. On perusal of all the available materials on record.

5. Once the compensation has been awarded by the 2nd respondent in EC.No.134 of 2017 directing the 3rd respondent to pay an amount of Rs.9,87,545/- on account of the injury caused to the petitioner during the accident dated 12.02.2010, the 3rd respondent who has not preferred an appeal is bound to pay the said amount.

6. Considering the submissions of both sides this writ petition stands disposed of directing, the 1st respondent to initiate steps under Section 5 of the Revenue Recovery Act, 1890 for recovering of Rs.9,84,545/- with interest @ 12 % per annum within a period of four (4) 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

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DR D.NAGARJUN,J.

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