



WEB COPY



W.P.No.25122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.25122 of 2024

Mr.R.Venkadeshan

... Petitioner

Vs.

1.The District Collector,
Singaravelan Maligai,
Chennai 600 001.

2.Bajaj Alliane General Insurance Company,
Old Door No.276/277, New No.497/498,
Shana Kattima Building, 5th Floor,
Poonamalli High Road, Arumbakkam,
Chennai 600 106.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to appropriate coercive action against the second respondent not to comply with order dated 16.02.2017 passed by the Labour Commissioner - 2, Chennai 600 006.

For Petitioner : Mr.A.S.Mujubur Rahman

For Respondents : Mrs.M.Jayanthi, AGP for R1

ORDER



W.P.No.25122 of 2024

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the first respondent to take appropriate coercive action against the second respondent in not complying the order dated 16.02.2017 passed by the Labour Commissioner - 2, Chennai 600 006.

2. Heard Mr.A.S.Mujubur Rahman, learned counsel for the petitioner, Mrs.M.Jayanthi, learned Additional Government Pleader for the first respondent and perused the materials available on record.

3. The petitioner is seeking direction against the first respondent to take appropriate action against the second respondent to recover the compensation awarded in W.C.No.103 of 2009 for a sum of Rs.3,09,406/- by the Labour Commissioner - II in favour of the petitioner. Despite the award has been referred to the first respondent, the first respondent has not taken any steps to recover the same from the second respondent. In view of the same, the petitioner is before this Court.

4. When the award amount has been passed towards compensation and if no action has been taken for recovery of the same, the petitioner may not be able to reap the benefit of the award. In such case, it is the



W.P.No.25122 of 2024

first respondent to verify whether there is any appeal or whether the award passed by the Labour Court has been stayed by any of the higher forum and initiate further action. Since the first respondent can be directed to give notice to the second respondent before initiating any such action, I feel notice against the second respondent is not necessary in this Writ Petition. In view of the same, notice against the second respondent is dispensed with.

5. In view of the above stated reasons, this Writ Petition is disposed and the first respondent is directed to initiate action for recovery of the award amount passed in W.C.No.103 of 2009, after giving notice to the second respondent and complete the proceedings as expeditiously as possible. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

30.08.2024

R.N.MANJULA, J.

gsk

To

1.The District Collector,



W.P.No.25122 of 2024

Singaravelan Maligai,
Chennai 600 001.

WEB COPY

2.The Labour Commissioner - 2,
Chennai 600 006.

W.P.No.25122 of 2024

30.08.2024