



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.31524 of 2024

Surya

... Petitioner

Vs.

1.The Joint Commissioner of Labour (I/C),
Gorimedu, Salem 8.

2.The District Collector,
Office of the District Collector,
Salem.

3.Surya Blue Metals,
Rep by its Proprietor,
Selliampalayam Village, Minnampalli Post,
Belur Main Road, Valapadi Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to recover the award amount passed in the order dated 02.12.2022 in EC.No.308 of 2019 on the file of the first respondent under revenue recovery act along with its accrued interest and consequently direct to pay the said amount to the petitioner herein within an appropriate time.



For Petitioner : Mr.R.Nalliyappan

For Respondents : Mrs.M.Jayanthi, AGP for R1 & R2

ORDER

This Writ Petition has been filed to direct the second respondent to recover the award amount passed in the order dated 02.12.2022 in EC.No.308 of 2019 on the file of the first respondent under revenue recovery act along with its accrued interest and consequently direct to pay the said amount to the petitioner herein within an appropriate time.

2. Heard Mr.R.Nalliyappan, learned counsel for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

3. The petitioner was working as a Helper in the third respondent Company. While maintaining the machinery equipments, the petitioner met with an accident and suffered grievous injuries. For the injuries sustained by the petitioner, he filed an application before the first respondent seeking compensation in E.C.No.308 of 2019 under Employees Compensation Act. The first respondent passed an order on 02.12.2022 awarding compensation



WEB COPY

of Rs.8,33,756/- and directed the third respondent to deposit the award amount within a period of 30 days from the date of receipt of the award. But the third respondent did not comply the order of the first respondent. Therefore, the petitioner has made a representation before the respondents 1 and 2 to recover the award amount under Revenue Recovery Act. In view of the same, the first respondent directed the second respondent to take appropriate action against the third respondent towards recovery of the award amount. The petitioner also made a representation on 06.08.2024 to the second respondent in this regard. But the second respondent has not considered the same and no orders have been passed. Hence, the petitioner is before this Court.

4. Since the Joint Commissioner of Labour, Salem, has passed an order awarding compensation as early as in the year 2022 itself and the same has not been complied by the third respondent Company, it is for the second respondent to recover the award amount from the third respondent. Hence, I feel it is appropriate to direct the second respondent to recover the award amount from the third respondent.



5. Accordingly, this Writ Petition is disposed and the second respondent is directed to consider the representation of the petitioner dated 06.08.2024 and pass appropriate orders towards recovery of the award amount along with accrued interest from the third respondent and pay the recovered amount to the petitioner. The above exercise shall be completed as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

28.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

gsk



To

1. The Joint Commissioner of Labour (I/C),
Gorimedu, Salem 8.

2. The District Collector,
Office of the District Collector,
Salem.



WEB COPY



R.N.MANJULA, J.

gsk

W.P.No.31524 of 2024

28.10.2024