



W.P(MD)No.25432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.25432 of 2024

and

W.M.P.(MD)No.21582 of 2024

1. Ellanchiammal

2. Saradhadevi

3. Geetha

4. Hariharan

... Petitioners

Vs

1. The District Collector,
Madurai District,
Madurai.

2. The Joint Commissioner of Labour,
Labour Welfare Department,
Madurai District.

3. The Tashildar,
Usilampatti Taluk,
Madurai District.

4. Balasubramani

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 3rd respondents to recover the award amount from the 4th respondent in pursuant to the award dated 13.05.2022 made in E.C. No. 81 of 2022 on the file of the Employee Compensation Tribunal, Madurai, within a stipulated time.

For Petitioners : Mr.K. Sekar,
For R1 to R3 : Mr.A.Baskaran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the official respondents to recover the award amount from the fourth respondent pursuant to the award passed in E.C. No. 81 of 2022, dated 13.05.2022, on the file of the Employees Compensation Tribunal, Madurai.

2.The petitioners are the legal heirs of one Raman, who said to have died on 04.01.2016, while he was working in a building construction. Since the first petitioner's husband died in the course of employment, they have filed an application before the Commissioner of Employees Compensation, Madurai and the Commissioner, after



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conducting an enquiry passed an award of compensation of Rs.5,75,720/- in E.C.No.81 of 2022. However, till now, the award has not been implemented and the award amount has not been paid to the legal heirs.

3.The learned Counsel for the petitioners submits that as per Section 31 of Employees Compensation Act (amended), the Commissioner may recommend for recovery of revenue and also, he is the competent officer to initiate revenue recovery proceedings. He further submits that a similar order has also been passed by this Court in W.P(MD)No.27905 of 2023, wherein, this Court has passed an order as under:

"2. As per the amended Employees Compensation Act, the second respondent himself is the authority to execute the award under the revenue recovery proceedings. In view of the above said facts, the second and third respondents are directed to execute the said award within a period of twelve (12) weeks from the date of receipt of a copy of this order, if there is no other legal impediment.

3. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs."

4.Since a similar order has already been passed by this Court in



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W.P(MD)No.27905 of 2023, this writ petition is disposed of with a direction to the second and third respondents to recover the amount as per the award, dated 13.05.2022, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No

LR

To

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3. The Tashildar,
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B.PUGALENDHI, J.

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