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W.P.No.27900 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.27900 of 2025

D.Palani

...Petitioner

Vs.

1.The District Collector
District Collector Office
Rajaji Salai, George Town
Chennai 600 001.

2.Tamilnadu Construction Workers Welfare Board
Rep. by its Secretary
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai 600 034

3.A.S.Rajasekaran

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 3rd respondent to



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take proceedings under the Revenue Recovery Act 1890 to collect the sum of Rs.2,41,992/- with 12% interest after 30 days from the date of filing of the petition to till date and also penalty for non payment till date as per the Employment Compensation Act from the 1st respondent.

For Petitioner : Mr. T.G.Balachandran

For Respondent 1 : Mr. M.Murali
Government Advocate.

ORDER

The petitioner seeks a mandamus to the 3rd respondent to initiate proceedings under the Revenue Recovery Act to collect the sum of Rs.2,41,992/- with 12% interest as per orders passed in WC.No.128 of 2006.

2. It is the case of the petitioner that he was working as Mason under the 1st respondent. On 16.09.2024 he had suffered an injury in the course of this employment. On the said date the scaffolding on which the petitioner was standing and painting had collapsed and he



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had fallen down, as a result of which his right ankle had sustained fracture. He had approached the Deputy Commissioner of Labour seeking compensation and by order dated 01.04.2010 the Deputy Commissioner of Labour had held that the petitioner was not a direct employee under the 3rd respondent herein and that he was working as a contract labourer for painting house. The Deputy Commissioner observed that the petitioner was registered under the 2nd respondent Board and therefore he would be entitled to compensation as per scheme of the Board.

3. Challenging this order the petitioner had filed CMA.No.217 of 2011 before this Court and by order dated 26.02.2020 this Court allowed the CMA and remitted the matter back to the Deputy Commissioner for fresh hearing and the parties were permitted to file documents to show proof that there exists employer - employee relationship between petitioner and the 3rd respondent.



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4. After remand the Deputy Commissioner of Labour by his order dated 04.10.2024 held that on the date of the accident there was an employer - employee relationship between the petitioner and the 3rd respondent and ultimately proceeded to award a sum of Rs.2,41,992/- together with Rs.8,654/- for medical expenses and the same was to be paid together with interest at 12% per annum. The payment was to be made within 30 days. However, the 3rd respondent had not come forward to pay the compensation or challenge the award.

5. The petitioner therefore seeks a direction to the 1st respondent to initiate proceedings under the Revenue Recovery Act against the 3rd respondent for recovering the award amount.

6. Heard the learned counsels on the either side and perused the records.



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7. Considering the fact that the petitioner who had obtained an award before the Deputy Commissioner of Labour Chennai on 04.10.2024 is yet to see the colour of the coin directions are issued to the 1st respondent to initiate proceedings under the Revenue Recovery Act, within a period of 2 months from the date of receipt of a copy of this order.

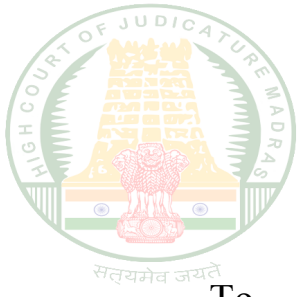
8. The Writ Petition is allowed. No costs.

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Index : Yes/No

Internet : Yes/No

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