



WEB COPY



W.P.No.28233 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 28233 of 2021

V.Kodeeswari

...Petitioner

Vs.

1.The District Collector,
District Collectorate
Cuddalore District.

2.M/s.Raj Kair Works,
Rep. by its Proprietor Mr. Rajesh Kannan,
Mariamman Koil Street,
Manaveli, Cuddalore Old Town,
Cuddalore District – 607 003.

3.The Deputy Labour Commissioner – 2,
Office of Deputy Labour Commission – 2,
Teynampet, Chennai.- 600006.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to take necessary action against the 2nd respondent and recover the



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compensation amount of Rs.2,49,576/- with 12% interest from 17.03.2011 till the date of realisation under the Revenue Recovery Act as directed by the Deputy Labour Commissioner – 2, Chennai, by order dated 03.09.2019.

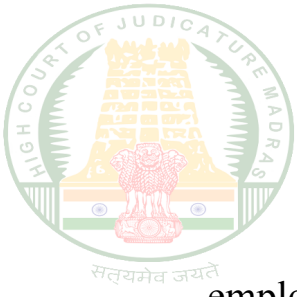
For Petitioner : Mr. R.R.Pradheep

For Respondents : Mr. M.Murali
1 & 3 Government Advocate

For Respondent 2: No Appearance.

ORDER

The Writ Petition is filed seeking a direction to the 1st respondent to take necessary action against the 2nd respondent and recover the compensation amount of Rs.2,49,576/- with 12% interest from 17.03.2011 till the date of realisation under the Revenue Recovery Act as directed by the Deputy Labour Commissioner – 2, Chennai, by order dated 03.09.2019.



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2. The petitioner herein met with an accident during her course of employment. Her fingers got completely crushed and surgery fixing wires has been carried out. Due to the said accident she had sustained 25% disability and was not able to perform her day to day works and is not able to continue her old job or do any other house hold job, further she is struggling to clear her earlier debts incurred for the hospital and operation expenses. All through, the employer did not bother to help her.

3. Hence, left with no other option the petitioner filed an application under Section 10 (1) of the Workmen (Labour) Compensation Act, 1923, praying for compensation which was numbered as WC.No.238/2012. The 2nd respondent did not bothered to file a counter / objection even after grant of sufficient time. The Commissioner passed an award on 05.10.2018 based on the Evidence produced by the petitioner that a sum of Rs.2,49,576/- with interest at the rate of 12% pa from the date of accident i.e., 17.03.2011 to be paid to the petitioner within a period of 30 days from the receipt of the



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4. The said order was not complied with by the 2nd respondent who is the employer. After one year of struggle and since the award amount was not deposited by 2nd respondent, the Labour Commissioner issued a show cause notice dated 21.05.2019 why action should not be initiated under the Revenue Recovery Act. The 2nd respondent did not respond to the said notice also. Hence, the Labour Commissioner directed the 1st respondent to recover the said dues from the 2nd respondent and deposit the same by order dated 03.09.2019. Even after two years the 1st respondent has not come forward to take any action in the said matter. Hence the present Writ Petition to direct the 1st respondent to take action and recover the compensation.

5. Heard the learned counsels and perused the records.

6. Though the award has been passed as early as on 05.10.2018



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awarding a sum of Rs.2,49,576/- together with interest at the rate of 12% pa, the petitioner is yet to receive the said amount. Therefore, the 1st respondent is directed to take necessary action against the 2nd respondent and recover the compensation amount of Rs.2,49,576/- with 12% interest from the date of accident, i.e., 17.03.2011 till the date of realisation under the Revenue Recovery Act as directed by the Deputy Labour Commissioner – 2, Chennai, by order dated 03.09.2019.

7. The Writ Petition is allowed with the above direction. No costs.

12.06.2025

Index : Yes/No
Internet : Yes/No

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To

1.The District Collector,
District Collectorate
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2.The Deputy Labour Commissioner – 2,
Office of Deputy Labour Commission – 2,
Teynampet, Chennai.- 600006.

P.T. ASHA, J,



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