

W.P.(MD)Nos.19595 and 19461 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 27.01.2025

Delivered On : 28.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)Nos.19595 and 19461 of 2024

W.P.(MD)No.19595 of 2024:-

J.Muthulakshmi

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai.

2.Sree Murugavilas Mittaikadai,
Managed by its Proprietor,
Kaetukadai, Alanganallur, Madurai.

3.The Joint Commissioner of Labour,
Labour Court, Madurai. ... Respondents
(R2 is impleaded vide Court order dated 21.08.2024
in W.M.P.(MD)No.16935 of 2024 in
W.P.(MD)No.19595 of 2024 by NSKJ)
(R3 is suo motu impleaded vide Court order
dated 22.11.2024 in W.P.(MD)No.19595 and 19461 of 2024
by LVGJ)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to recover the compensation amount awarded in E.C.No.79 of 2022, on the file of the Joint Commissioner of Labour, Madurai, of Rs.17,02,850/- with 12% interest under Section 5 of the Revenue Recovery Act, 1890, as per the letter sent by



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the Joint Commissioner of Labour, Madurai, in his proceedings
Na.Ka.No.A2/5278/2023, dated 19.04.2024.

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For Petitioners : Mrs.P.Jessi Jeeva Priya
For 1st Respondent : Mr.S.Kameswaran
Government Advocate
For 2nd Respondent : No Appearance

W.P.(MD)No.19461 of 2024:-

A.Samsathbegam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai.

2.Rajiv Gandhi

3.The Joint Commissioner of Labour,
Labour Court, Madurai. ... Respondents
(R2 is impleaded vide Court order dated 21.08.2024
in W.M.P.(MD)No.16913 of 2024 in
W.P.(MD)No.19461 of 2024 by NSKJ)
(R3 is suo motu impleaded vide Court order
dated 22.11.2024 in W.P.(MD)No.19595 and 19461 of 2024
by LVGJ)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to recover the compensation amount awarded in E.C.No.80 of 2021, on the file of the Joint Commissioner of Labour, Madurai, of Rs.15,49,625/- with 12% interest under Section 5 of the Revenue Recovery Act, 1890, as per the letter sent by the Joint Commissioner of Labour, Madurai, in his proceedings Na.Ka.No.A2/1765/2023, dated 25.07.2023.

For Petitioners : Mrs.P.Jessi Jeeva Priya
For 1st Respondent : Mr.S.Kameswaran
Government Advocate
For 2nd Respondent : Mr.W.Pamelin



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COMMON ORDER

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W.P.(MD)No.19595 of 2024 is filed, seeking to direct the respondents to recover the compensation amount awarded in E.C.No.79 of 2022, on the file of the Joint Commissioner of Labour, Madurai, of Rs.17,02,850/- with 12% interest under Section 5 of the Revenue Recovery Act, 1890, as per the letter sent by the Joint Commissioner of Labour, Madurai, in his proceedings Na.Ka.No.A2/5278/2023, dated 19.04.2024.

2.W.P.(MD)No.19461 of 2024 is filed, seeking to direct the respondents to recover the compensation amount awarded in E.C.No.80 of 2021, on the file of the Joint Commissioner of Labour, Madurai, of Rs.15,49,625/- with 12% interest under Section 5 of the Revenue Recovery Act, 1890, as per the letter sent by the Joint Commissioner of Labour, Madurai, in his proceedings Na.Ka.No.A2/1765/2023, dated 25.07.2023.

Gist of the case in W.P.(MD)No.19595 of 2024:-

3.The petitioner's son died in an accident in the course of his employment in his workplace on 01.07.2022, following which, the petitioner filed a petition in E.C.No.79 of 2022, on the file of the Joint Commissioner of Labour, Madurai, and the same was allowed on 26.07.2023, with a direction to pay an amount of Rs.17,02,850/- as compensation to the petitioner and the other legal heirs of the deceased. Since the payment was not made, the



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petitioner made an application dated 12.09.2023, to the Joint Commissioner of Labour, Madurai. Thereafter, the petitioner received a copy of the notice sent by the Joint Commissioner of Labour, by his proceedings bearing A2/5278/2023 dated 31.10.2023, to the first respondent in E.C.No.79 of 2022 on the file of the Joint Commissioner of Labour, Madurai, namely, Management, Sree Murugavilas Mittai Kadai, Kaetukadai, Alanganallur, Madurai, calling upon the Management to deposit the compensation amount within a period of 30 days, failing which, the same would be recovered under the Revenue Recovery Act.

4.In furtherance to the same, the petitioner received a copy of the letter by the Joint Commissioner of Labour, Madurai, in his proceedings dated 19.07.2024, directing the 1st respondent District Collector to take necessary action to realize the award amount under Section 5 of the Revenue Recovery Act, 1890. Since no steps was taken by the 1st respondent District Collector to recover the compensation amount under the Revenue Recovery Act, this Writ Petition is filed.

The gist of the case in W.P.(MD)No.19561 of 2024:-

5.The petitioner's son died in an accident in the course of his employment in the workplace on 24.06.2021, following which, the petitioner filed a petition in W.C.No.80 of 2021 on the file of the Joint Commissioner of Labour, Madurai. The same was allowed on 11.01.2023, with the direction



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to pay Rs.15,49,625/- as compensation to the petitioner and other legal heirs of the deceased. Since the payment was not made, the petitioner made an application dated 29.11.2023, to the Joint Commissioner of Labour, Madurai. Thereafter, the petitioner received a copy of the notice sent by the Joint Commissioner of Labour, by his proceedings A2/1765/2023 dated 06.04.2023, to the first respondent in W.C.No.80 of 2021 on the file of the Joint Commissioner of Labour, Madurai, namely, Rajiv Gandhi, son of Somu, residing at No.21, Alagar Nagar, 1st street, K.Pudur, Madurai - 7, calling upon her to deposit the compensation amount within a period of 30 days, failing which, the same would be recovered under the Revenue Recovery Act. The petitioner received a copy of the letter sent by the Joint Commissioner of Labour, Madurai, in the aforesaid proceedings to the first respondent seeking to take necessary action to realize the award amount under the Revenue Recovery Act, 1890. Section 5 of the Revenue Recovery Act, 1890, reads as follows:-

“5.Recovery by Collectors of sums recoverable as arrears of revenue by other public officer or local authorities

- Where any sum is recoverable as an arrear of land revenue by any public officer other than a collector or by any local authority, the collector of the district in which the office or authority, proceed to recover the sum as if it were an arrear of land revenue, which had accrued in his own district.....”

5.1.Relying upon Section 5 of the Act, the petitioner claimed that no



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steps have been taken by the District Collector to recover the compensation amount under the Revenue Recovery Act and hence, left with no other option, this Writ Petition is filed.

6.The 1st respondent District Collector filed a counter affidavit in both the Writ Petitions and the learned Government Advocate relying upon the same pointed out that the Joint Commissioner of Labour, Madurai, is a necessary party in this Writ Petition and further submitted that the first respondent on receiving the proceedings of the Joint Commissioner in the matter related to these Writ Petitions on obtaining proper legal opinion, immediately returned the respective proposals pertaining to both the Writ Petitions along with other similar proposals to the Joint Commissioner and requested him to take action to realize the claim amount himself through the officials of the Labour Department as mandated in the amended Section 31 of the Employees Compensation Act, 1923.

7.The learned Government Advocate submitted that it is up to the Joint Commissioner himself to issue a certificate under Section 5 of Act 1 of 1890, authorizing the jurisdictional labour officer to make recovery as though the amount is the arrear of land revenue. Clarifying that the Joint Commissioner of Labour was also informed on a legal provision vide the District Collector's letter bearing D.O.Letter No.90490/2010/D4 dated 11.01.2024 and Na.Ka.No.e-37185/2024/D4 dated 31.08.2024, by the first



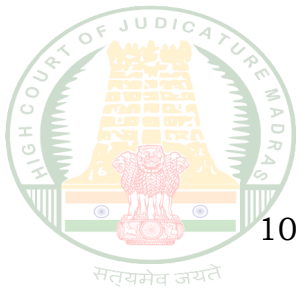
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respondent, the learned Government Advocate categorically insisted that the Joint Commissioner of Labour, Madurai, is the competent authority to take further course of action for recovery in these cases. Considering the said submission, the Joint Commissioner of Labour, Madurai, is *suo motu* impleaded as the third respondent in these cases on 22.11.2024. He pressed for dismissal of the Writ Petitions.

8.Heard the learned counsels on either side and carefully perused the materials available on record.

9.The Employees Compensation Act, 1923, was amended through the Employees Compensation (Amendment) Act, 2017 and the same came into force with effect from the first day of July 1924. As rightly pointed out in the counter affidavit filed by the District Collector, Madurai, Section 31 is the provision on the basis of which, these Writ Petitions could be adjudicated and the same is extracted as follows:-

“31.Recovery: The Commissioner may recover as an arrear of land - revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of Section 5 of the Revenue Recovery Act, 1890, (Act 1 of 1890).”



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10.This Court has dealt with a similar case in W.P.(MD)NO.26493 of 2023 and by order dated 06.11.2023, the Joint Commissioner of Labour was directed to take necessary steps under the Revenue Recovery Act and the relevant portion of the same is extracted as follows:-

“2. It could be seen from the communications between the first respondent and the third respondent, that there is a dispute with regard to the jurisdiction of the authority to invoke the provisions of the Revenue Recovery Act. Section 31 of the Employees Compensation Act, 1923, is extracted as follows:

'31. Recovery.~ The Commissioner may recover as an arrear of land~ revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.'

3. In view of the amendment effected in the Employees Compensation Act, 1923, the third respondent himself is entitled to initiate proceedings under the Revenue Recovery Act and issue direction to the second respondent to carry out the said directions.

4. In view of the above said facts, the respondents 2 and 3 herein are directed to invoke the provisions of Revenue Recovery Act, and see that the fruits of the award under the Employees Compensation Act, 1923, are realized by the writ petitioner. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.”

11.In view of the order passed by this Court, it is found necessary that the jurisdictional Tahsildar is also a necessary party to this case. Since the



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first respondent District Collector has already written to the third respondent Joint Commissioner to take necessary action to invoke the provisions of Revenue Recovery Act and initiate proceedings under Revenue Recovery Act himself, this Court hereby direct the third respondent to initiate proceedings under the Revenue Recovery Act and issue direction to the jurisdictional Tahsildar to carry out the said direction to make the necessary recovery under the Revenue Recovery Act as against the second respondents herein.

12.In view of the above facts, the third respondent herein is directed to invoke the provision of the Revenue Recovery Act and see to that the fruits of the award under the Employees Compensation Act, 1923, are realized by the writ petitioners herein. The said exercise shall be completed within a period of 16 weeks from the date of receipt of copy of this order.

13.With the above observation, these Writ Petitions are disposed of. There shall be no order as to costs.

28.04.2025

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



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To

- 1.The District Collector,
Office of the District Collector,
Madurai.
- 2.The Joint Commissioner of Labour,
Labour Court, Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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