



W.P.(MD).No.23477 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23477 of 2017

and

W.M.P(MD) No.19740 of 2017

Raj and Associates
Represented through its Proprietor,
N.Rajasekaran,
S/o.Narayanan,
No.86/2A, Rose Buildings,
1st Floor, East Car Street,
Tuticorin – 1

... Petitioner

Vs.

1. The Deputy Commissioner of Labour,
C/o. Deputy Commissioner of Labour,
Tirunelveli.

2. Uma Maheswari

3. The Oriental Insurance Company Limited,
6A, North Cotton Road,
Tuticorin – 2.

4. The District Collector,
Tuticorin District.

... Respondents



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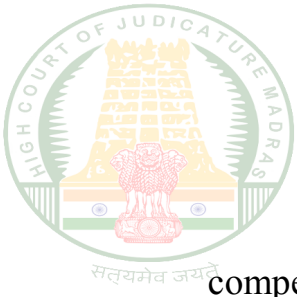
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in the proceedings of the first respondent in K.No.B1/3787/2017 (W.C.No.41/2008) dated 12.08.2017 and quash the same.

For Petitioner : Mr.P.Muthusamy
For R1 & R4 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R2 : No appearance
For R3 : Mr.C.Jawahar Ravindran

ORDER

The present writ petition has been filed by the employer challenging a communication addressed by the first respondent herein to the fourth respondent requesting him to initiate revenue recovery proceedings based upon the award passed in W.C.No.41 of 2008, dated 31.12.2014 on the file of the first respondent.

2. A perusal of the records reveal that the legal heirs of one Madasamy have filed W.C.No.41 of 2008 before the first respondent seeking



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compensation for the accident based upon a W.C Policy. An award was passed on 31.12.2014, directing the second respondent Insurance Company to pay the principal amount. In the said award as far as the payment of interest for the period between the date of accident and the date of award is concerned, the first respondent employer was directed to pay the interest to a tune of Rs.3,13,505/-. This award was not put to challenge by the employer.

3. The Insurance Company has deposited the principal amount before the first respondent within time. For recovering the interest portion, the first respondent has issued the impugned notice to the fourth respondent for initiating revenue recovery proceedings. Challenging the same, the present Writ Petition has been filed.

4. According to the learned counsel appearing for the petitioner, when the award is passed as against the Insurance Company, they should have been saddled with the interest portion also. However, revenue recovery proceedings have been initiated as against the employer for the interest portion and the same is not sustainable.



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5. Per contra, the learned counsel appearing for the Insurance Company submitted that as per the policy conditions, the employer has to bear the interest portion. In a W.C policy which is a non statutory policy, the parties are governed by the terms of the policy. That apart, under the award of the first respondent, the employer has been specifically directed to pay the interest portion. Without challenging the said portion of the award, the present writ petition is not maintainable.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the terms of the W.C. Policy and the award of the first respondent in W.C.No.41 of 2008, this Court is of the considered opinion that the interest portion has to be paid only by the employer. In such circumstances, the impugned notice issued by the first respondent to the fourth respondent for initiating revenue recovery proceedings cannot be found fault with and there are no merits in this Writ Petition.



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8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

18.06.2025

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

1. The Deputy Commissioner of Labour,
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R.VIJAYAKUMAR,J.

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