

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2015

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THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. Nos. 34688 & 34689 of 2015

Mrs.Periyakkal ...Petitioner in W.P.No.34688 of 2015

Mrs. Thangammal ...Petitioner in W.P.No.34689 of 2015

Vs.

1. The State of Tamil Nadu,
rep. by its
Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Salem District,
Salem.
3. The Special Deputy Collector,
Social Security Scheme (SSS),
Office of the District Collectorate,
Salem - 636 001.
4. The Special Tahsildar,
Social Security Scheme (SSS),
Omalar Taluk,
Omalar, Salem District.

...Respondents in both the
writ petitions

Prayer in W.P. No. 34688 of 2015: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to disburse the petitioner's son viz. Palanisamy's death compensation to her as per the scheme within the stipulated time.

Prayer in W.P. No. 34689 of 2015: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to disburse the petitioner's son viz. Senthilkumar's death compensation to her as per the scheme within the stipulated time.

For Petitioners : Mr.M.R. Jothimanian

For Respondents : Mr.P. Sanjay Gandhi,
Addl. Govt. Pleader R1 to R4

COMMON ORDER

As the issue involved in both the writ petitions is one and the same, they are taken up together for hearing and disposed of by this common order.

2. In both the writ petitions, the respective petitioners are making a claim for compensation pursuant to the death of their son. The claim of the petitioners for compensation is under "Amma Scheme". As the claim made by the respective petitioners by way of representations dated 29.06.2015 and 14.07.2015 respectively have not been considered, they have approached this Court by filing the present writ petitions.

3. Insofar as W.P. No. 34688 of 2015 is concerned, pursuant to the representation made by the petitioner on 29.06.2015, the 2nd respondent has sent a communication in Na.Ka.No. 25909/2015/Gc6 dated 27.08.2015 to the 4th respondent to take appropriate action. Even this has not been done insofar as the petitioner in W.P. No. 34689 of 2015 is concerned.

4. Learned counsel for the petitioners placed reliance upon the order passed by this Court in W.P. No. 16002 of 2014, dated 20.06.2014, involving a similar issue, with regard to disbursement of compensation under the very same scheme. However, in the said writ petition, the compensation sought was on account of the death of the husband of the petitioner therein whereas in the present case, the respective petitioners herein are claiming compensation for the death of their son. The operative portion of the order passed by this Court in W.P. No. 16002 of 2014 is extracted hereunder:

"2. The 4th respondent is directed to forward the application submitted by the petitioner dated 13.04.2013 to the 1st respondent forthwith. The 1st respondent is directed to consider the application in the light of the "Amma Scheme" framed by the Government and taking into account the death of the petitioner's husband on 16.05.2006. While considering the application submitted by the petitioner, the 1st respondent is directed to take into account the order passed to a similarly placed petitioner in W.P. Nos. 29088 of 2012 dated 20.11.2012, 18279 and 18280 of 2013 dated 25.07.2013 and 24162 of 2013 dated 17.09.2013. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order."

5. Thus, the writ petitions are disposed of by directing the 4th respondent to send a report, with regard to the claim made by both the petitioners, to the 3rd respondent in tune with the Government order in G.O.Ms. No. 157 Revenue (LR.I(2)) Department dated 08.04.2015. On receipt of the report, the 3rd respondent will have to take appropriate steps and send his recommendations to the 2nd respondent. Thereafter, the 2nd respondent shall pass appropriate orders, based on the relevant materials, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Salem District,
Salem.
3. The Special Deputy Collector,
Social Security Scheme (SSS),
Office of the District Collectorate,
Salem - 636 001.
4. The Special Tahsildar,
Social Security Scheme (SSS),
Omalur Taluk,
Omalur, Salem District.

1 CC to Mr.M.R. Jothimanian, Advocate SR.No. 62161

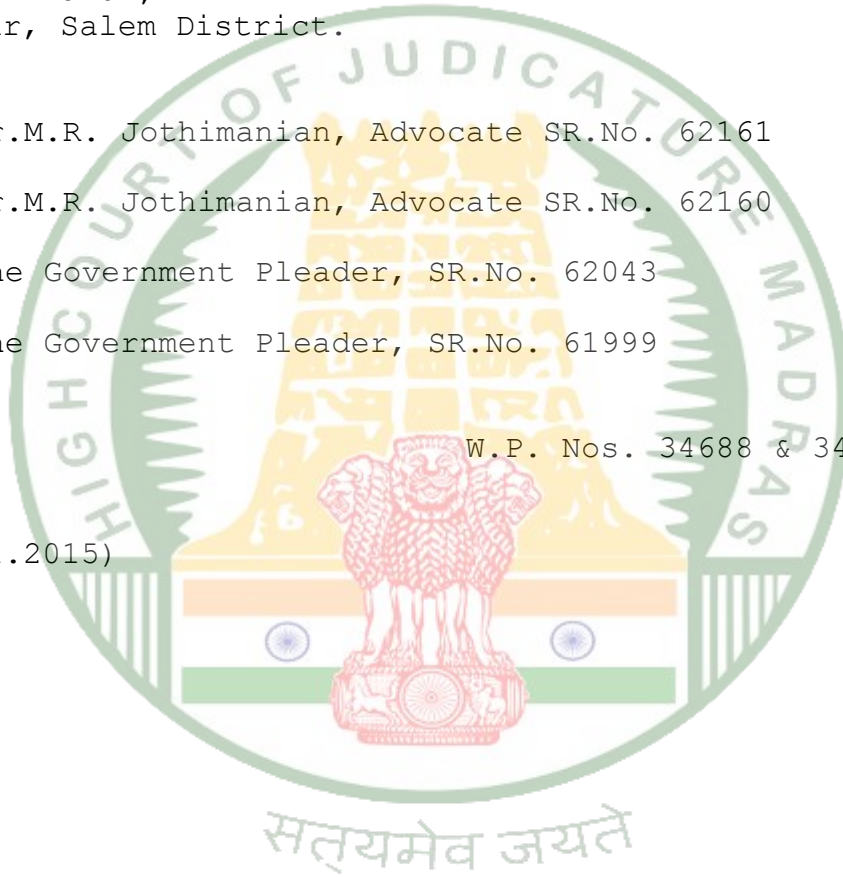
1 CC to Mr.M.R. Jothimanian, Advocate SR.No. 62160

1 CC to the Government Pleader, SR.No. 62043

1 CC to the Government Pleader, SR.No. 61999

W.P. Nos. 34688 & 34689 of 2015

SKV (CO)
PSI (27.11.2015)



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