



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1228 of 2011
and
M.P(MD)No.2 of 2011

1. State of Tamil Nadu,
Rep by its Secretary,
Fort St., George,
Chennai.
2. The District Collector,
District Collector Office,
Dindigul District.
3. The Special Tahsildar,
District Tahsildar Office,
Dindigul District.

... Appellants

Vs.

S.Meenakshi

... Respondent

Prayer:

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 17.09.2009 made in W.P.(MD)No.8747 of 2009.

Prayer in WP(MD)No.8747/2009:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned communication in S.R.58/08/D1 dated 10-09-2008 on the file of the Respondent No.3 and quash the same as illegal and direct the Respondent No.1 to consider the Petitioners application and provide him the Compensation.

For Appellant : Mr.M.Alagadevan,
Special Government Pleader.
For Respondent : Mr.T.Lajapathi Roy

JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN,J)



respondent's claim for compensation under the Tamil Nadu Agricultural Labourers - Farmers (Social Security and Welfare) Act.

2.The respondent's husband was an employee who died due to fall from a coconut tree on 01.06.2008. The third appellant informed by an order dated 10.09.2008 about the rejection of the respondent's claim based on the proceedings of the Land Reforms Commissioner, dated 23.02.2008 stating that the compensation cannot be granted as the claim was made with a delay of 65 days belatedly. This order has been challenged before the learned Judge. The learned single Judge quashed the said order. That order is being challenged before us.

3.Heard Mr.M.Alagadevan, learned Special Government Pleader for the appellants and Mr.T.Lajapathi Roy, learned counsel for the respondent.

4.The learned single Judge by taking note of the order passed in W.P.No.1355 of 2009, dated 19.02.2009 held that for the welfare measure under the present Act, the delay cannot be employed against the claimant and the said Act cannot be construed strictly. In that view of the matter, the impugned order had been set aside and it was held that the respondent is entitled to compensation in accordance with law.

5.We do not find any reason to interfere with the order of the learned single Judge. Accordingly, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.2 of 2011 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
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Chennai.
2. The District Collector,
District Collector Office,
Dindigul District.
3. The Special Tahsildar,
District Tahsildar Office,
Dindigul District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 69695

SMS

TE/SKS-RR/ : 18/12/2015 : 2P/5C

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and
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