

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22556 of 2004

Kavitha

... Petitioner

Vs.

1.The District Collector,
Perambalur District,
Perambalur.

2.The Block Development Officer,
Panchayat Union,
Thiruthennur,
Perambalur District.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent made in Na.Ka.No.A5/1993/2004 dated 14.07.2004, quash the same and direct the respondents to pay the accrued amount lying with the petitioner's mother Group Insurance Scheme to the Petitioner.

For Petitioners : Mrs.K.M.Nalinishree

For Respondents : Mrs.K.Bhuvaneswari,
Government Advocate

O R D E R

The petitioner/ daughter of the deceased Anandavalli has filed this Writ Petition, challenging the order dated 14.07.2004 wherein the request for granting Group Insurance of Rs.1,00,000/- (Rupees One Lakhs only) was rejected by the Authority on the ground that the petitioner's mother was not in employment at the relevant point of time. Hence, Group Insurance cannot be granted.

Heard the parties appearing on either side.

2. The petitioner's mother had worked as Assistant to Cook from 06.05.1992 to 10.10.1994, then 10.10.1994 to 31.12.2001 in the Noon Meal Scheme at the Elementary School, Thiruthennur. Everyday she used to Cook for 25 children. Since the strength

of the children decreased as against the sanction strength, the School was closed. All the Employees who were working in the School lost the job and the petitioner's mother is one among them. Thereafter, she died on 08.09.2002. The authority rejected the claim of the petitioner on the ground that the petitioner was not in employment and Group Insurance cannot be granted in favour of the legal heirs of the deceased/ mother of the petitioner.

When a person was not in Employment and the Rules prohibit for grant of Group Insurance benefits, this Court cannot exercise the discretion to grant the benefit to a person who is not in Employment.

3. For the above reasons, I am not inclined to interfere with the order passed by the authority. Accordingly, this Writ Petition is dismissed. No costs.

rna

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The Block Development Officer,
Panchayat Union,
Thiruthannur,
Perambalur District.

+1cc to M/S K.M.Nalinishree, Advocate Sr.66799
+1cc to Government Advocate Sr.67609

W.P.No.22556 of 2004

MN(CO)
RVR 13/10/2017

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