

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.28112, 28115 and 28118 of 2018

Eswari	.. Petitioner in W.P.No.28112/2018
Pappathi	.. Petitioner in W.P.No.28115/2018
Thangamma @ Thangammal	.. Petitioner in W.P.No.28118/2018

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),
Kadaiyampatti Taluk,
Kadaiyampatti,
Salem District.

.. Respondents in all the W.Ps.

Prayer : Writ petitions filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the impugned orders passed by the fourth respondent vide Na.Ka.242/2017/A1, Na.Ka.243/2017/A1, and Na.Ka.241/2014/A1, dated 03.11.2017 respectively and quash the same, consequently direct the respondents to disburse (i) petitioner's husband, viz., Ravichandran ; (ii) petitioner's son, viz., Arunkumar @ Arul ; and (iii) petitioner's son, viz.,

Moorthy ; death compensation to them as per the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme) within stipulated time.

For Petitioners in all : Mr.M.R.Jothimanian
these petitions

For Respondents in all : Mr.V.Shanmugasundar,
these petitions Special Government Pleader

C O M M O N O R D E R

The orders of denial of death compensation, that were sought for by the petitioners in terms of the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme), are put to challenge in these writ petitions.

2. The petitioner in W.P.No.28112 of 2018 is the wife of one Ravichandran, who was an agricultural coolie. During non-agricultural work season, he was eking out as construction coolie and while working so, on 10.02.2014, he fell down at the work site and died on 10.02.2014. The petitioner made an application to the fourth respondent to disburse her the death benefit under the Amma Scheme. Since no response was forthcoming, she filed W.P.No.22339 of 2017 seeking a direction from this Court to the respondents to consider her representation dated 30.01.2017, which was disposed of on 22.08.2017 directing the respondents 1 and 4 to consider her plea in the light of similar orders passed by this Court. Thereafter, the fourth respondent passed the impugned order rejecting her request on the ground that she is working as an Anganwadi worker and hence, she is not entitled to the benefit of the Scheme.

3.W.P.No.28115 of 2018 was filed by the mother of one Arulkumar @ Arul, who died on 25.10.2015. He was a college student aged about 19 years at the time of accident and during holidays, he was also doing agricultural coolie work. Since her request seeking compensation under the Scheme was not considered by the authorities, she filed W.P.No.22341 of 2017, which was disposed of on 22.08.2017 directing the respondents 1 and 4 to consider her plea in the light of similar orders passed by this Court. Subsequently, the impugned order was passed rejecting her request on the pretext that her son was a student.

4. The petitioner in W.P.No.28118 of 2018 sought for compensation under the Scheme for the death of her son one Moorthy, who died on 06.10.2013. According to her, her son was an agricultural coolie during agricultural season and during non-agricultural season, he was doing other collie works. As her plea of compensation under the Scheme yielded no response, she filed W.P.No.22342 of 2017, which was disposed of on 22.08.2017. Consequently, the impugned order was passed rejecting her request on the ground that she had already been given compensation of a sum of Rs.50,000/-.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

6. It is to be noted that the Government of Tamil Nadu passed G.O.Ms.No.265, Revenue (LR K2) Department, dated 10.09.2011, providing financial assistance to the farmers and the dependents of the farmers on certain contingencies. Paragraph 6(a)(iii) of the said G.O. defines the eligible dependents, as per which, the spouse, children, parents are to be extended the benefits under the scheme. Admittedly, the deceased family members of the petitioners were covered under the scheme and come within the definition given in the G.O. The petitioners in these writ petitions lost the husband and sons respectively. Though it is claimed that the petitioner in W.P.No.28112 of 2018 is working as Anganwadi worker from 31.08.2017 and hence, she is not entitled to the benefit, at the time of accident in the year 2015, she was not in employment and she is said to have struggled financially.

7. The beneficial scheme introduced by the Government for the welfare of the farmers should be extended to all the members covered under the scheme in its letter and spirit. The hyper-technicalities should not stand in the way and put an embargo on its implementation.

8. Learned counsel for the petitioners rightly placed reliance on a G.O.(Ms)No.157, Revenue [LR.I(2)] Department, dated 08.04.2015, wherein, similar relief was extended to the families of the farmers, who were all placed in the similar circumstances.

9. In the light of the above factual matrix, the impugned orders call for interference. Accordingly, these writ petitions are allowed. The impugned orders passed by the fourth respondent are set aside and the respondents 1 and 4 are directed to reconsider the representations of the petitioners and pass appropriate orders granting the relief under the Amma Scheme within a period of six weeks from the date of receipt of

a copy of this order. It is open to the respondents to grant such monetary benefit, after deducting any other relief, which the petitioners already received, in accordance with law. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Revenue Department,
Government of Tamil Nadu,
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),
Kadaiyampatti Taluk,
Kadaiyampatti,
Salem District.

+3cc to Mr.M.R.Jothimanian, Advocate, S.R.No.83236 to 83238

+1cc to the Government Pleader, S.R.No.83667

W.P.Nos.28112, 28115 & 28118 of 2018

NM(CO)
GSP(03/01/2019)