



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.21659 of 2019

P.Murugavel

...Petitioner

Vs

1.The Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
No.1/12, Chennai Main Road,
Villupuram - 605 602.

3.Assistant Quality Inspector,
TNCSC Limited Corporation Godown,
Uludurpettai,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the death benefit of the petitioner's father namely Pachimuthu and give a compassionate appointment by considering the petitioner's representation dated 06.02.2019 within a reasonable time period.

For Petitioner : Mr.Alagu Perumal
for Mr.E.Sathiyaraj

For R1 & R3 : Mr.Tippu Sulthan
Government Advocate

For R2 : Mr.Rajendran
for Mr.L.P.Shanmuga Sundaram

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2. The petitioner's father, namely Pachimuthu, is claimed to have worked under the third respondent's Godown from the year 1980 as a Loadman. The petitioner's father died on 08.06.2000, when the rice bags in the godown fell on him. The petitioner herein is the son of late Pachimuthu, who claims compassionate appointment, in which connection, he has given a representation dated 06.02.2019.

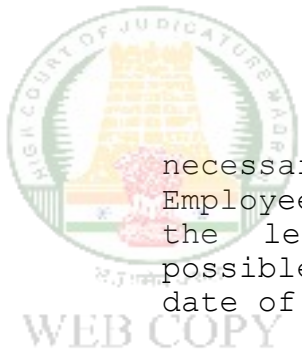
3. The respondent Corporation has filed a counter affidavit, wherein it is stated that the children of a Loadman are not entitled for compassionate appointment. However, in accordance with the Circular issued by the Managing Director of the Tamil Nadu Civil Supplies Corporation dated 10.12.2010, the legal heirs of the deceased seasonal employees and Green and Pink Card Loadman are eligible to receive Rs.1,05,000/- as Employees Deposit Linked Insurance Scheme.

4. The learned counsel appearing for the Corporation relied upon the reply dated 25.02.2020 sent by the second respondent herein to the petitioner, wherein they have sought for production of the identity card and appointment order of the petitioner's father.

5. This Court is of the view that if at all the respondent Corporation have come out with a categorical case that the petitioner was only a seasonal employee, such service records would be available with the Corporation and requesting the petitioner, who is the legal heir of the deceased employee, for production of identity card and appointment card of his late father, will not be proper. There is a duty cast on the respondent Corporation to maintain the records of these seasonal employees, since they are entitled for the benefits of Employees Deposit Linked Insurance Scheme.

6. The learned counsel for the petitioner submitted that though the petitioner had sought for compassionate appointment along with the death benefits of his father, he would be satisfied if the death benefits pertaining to the Employees Deposit Linked Insurance Scheme is extended to the legal heirs of late Pachimuthu. The learned counsel submitted that paragraph 5(b) in the counter affidavit dated 24.06.2021 filed by the second respondent herein also ratifies that the petitioner herein would be entitled for a sum of Rs.1,05,000/- towards Employees Deposit Linked Insurance Scheme. The learned counsel further submitted that the petitioner is also entitled for family pension fund.

7. In the light of the above observations, there shall be a direction to the first and second respondents herein to take



necessary course of action for the purpose of disbursing the Employees Deposit Linked Insurance Scheme amount in favour of the legal heirs of late Pachimuthu, as expeditiously as possible, in any event, within a period of 12 weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

hvk
To

- 1.The Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 010.
- 2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
No.1/12, Chennai Main Road,
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- 3.Assistant Quality Inspector,
TNCSC Limited Corporation Godown,
Uludurpettai,
Villupuram District.

+1cc to Mr.E.Sathiyaraj, Advocate Sr.33489

W.P.No.21659 of 2019

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srg 09/08/2021