

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.01.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.18619 of 2020

Sampathrani

...

Petitioner

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 Schme (SSS),
Office of the District Collectorate,
Salem - 636 001.
4. The Special Tahsildar,
Social Security Scheme (SSS),
Kadaiyampatti Taluk,
Kadaiyampatti, Salem District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the impugned order dated 07.10.2020 made in Na.Ka.No.655/2020/A2 passed by the fourth respondent and quash the same, consequently direct the respondents to disburse the petitioner's husband viz., Mohankumar's death compensation to her as per the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Ammu Scheme) within stipulated time.

For petitioner ... Mr.M.R.Jothimanian
For respondents ... Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

This Writ Petition has been filed, challenging the order dated 07.10.2020 passed by the fourth respondent rejecting the petitioner's application seeking for compensation under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme

(Amma Scheme) on the ground that the claim made by the petitioner was belated.

2. It is the case of the petitioner that she is a resident of Kundukkal Village, Jodukuli Post, Kadaiyampatti Taluk, Salem District and is residing there along with her family members. According to the petitioner, her husband Mohankumar died on 04.09.2019 due to an accident. It is the case of the petitioner that her family is very poor and is doing cultivation to eke out their livelihood. The petitioner has sought for compensation for the death of her husband due to an accident under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme). According to the petitioner, she is entitled to monetary benefits as per G.O.Ms.No.265, Revenue [LR.1(2)] Department, dated 10.09.2011 as per the aforementioned scheme. According to her, she applied under the aforementioned scheme, after satisfying all the requirements with the fourth respondent. However, according to the petitioner, under the impugned order, the application has been rejected only on the ground that the petitioner's claim has been made belatedly. According to the petitioner, the impugned order is arbitrary and not passed in accordance with G.O.Ms.No.333 Revenue [LR.1(2)] Department, dated 05.08.2014, which permits the District Collector to accept claims even beyond the period of 6 months from the date of the death. It is the case of the petitioner that the claim was made by her on 12.06.2020 within a period of one year from the date of the death of her husband, who died on 04.09.2019. Hence, according to the petitioner, arbitrarily and by total non-application of mind to G.O.Ms.No.333 Revenue [LR.1(2)] Department, dated 05.08.2014, the impugned order has been passed. In such circumstances, this Writ Petition has been filed.

3. Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader for the respondents.

4. Learned counsel for the petitioner drew the attention of this Court to G.O.Ms.No.333, dated 05.08.2014 issued by the Revenue Department, Government of Tamil Nadu and in particular, he referred to Table-II therein, which deals with the powers of Officers to sanction belated claims. He would submit that as per the Serial No.3 in Table-II, the District Collector is having the power to entertain claims under the aforementioned scheme, even beyond the period of 6 months and upto one year. Therefore, according to him, by total non-application of mind to G.O.Ms.No.333, dated 05.08.2014, the fourth respondent has rejected the claim of the petitioner only on the ground that the claim made by the petitioner is beyond the period of 6 months from the date of death of her husband due to an accident.

5. Learned counsel for the petitioner also drew the attention of this Court to an order dated 04.12.2018 passed by this Court in W.P.Nos.28112 etc., batch of 2018 in the case of Eswari and others - vs- The State of Tamilnadu and Others and would submit that in an identical matter, the learned Single Judge has held that hyper technicalities should not stand in the way and put an embargo on its implementation of the Scheme, viz., Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme). Further, he would submit that in the said decision, the learned Judge had also referred to G.O.Ms.No.157, Revenue [L.R.II(2)] Department, dated 08.04.2015, wherein, the District Collector has recommended to the Government to consider belated claims also. Hence, according to him, by total non-application of mind, the impugned order has been passed by the fourth respondent rejecting the petitioner's claim for death compensation under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme).

6. Admittedly, as seen from G.O.Ms.No.333, Revenue [LR.1 (2)] Department, dated 05.08.2014, the District Collector is having the power to condone the delay even beyond the period of 6 months upto to one year in respect of the claim made by the petitioner seeking for compensation on account of death of her husband due to an accident under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme). In the instant case, the husband of the petitioner died on 04.09.2019 and the application was submitted by the petitioner under the aforementioned scheme on 12.06.2020. Therefore, the claim has been made within a period of one year from the date of death of the petitioner's husband. Table-II of G.O.Ms.No.333 of the Revenue Department dated 05.08.2014 reads as follows:

Table-II: Powers of Officers to sanction the belated claims.

Sl.No. (1)	Designation of the Officer (2)	Time Limit for sanction of belated claims** (3)
1	Revenue Divisional Officer	Upto 3 months
2	District Revenue Officer	Beyond 6 months and upto 6 months.
3	District Collector	Beyond 6 months and upto 1 year

7. As seen from Serial No.3 in Table-II of the said G.O.Ms.No.333, the District Collector has got the power to sanction belated claims even beyond the period of 6 months upto one year. Admittedly, in the case on hand, the claim has been

made by the petitioner within a period of one year. The only reason given by the fourth respondent for rejection of the petitioner's claim is that her claim has been made belatedly beyond the period of 6 months. When the District Collector is empowered to sanction claims even beyond the period of 6 months, the fourth respondent ought to have sent the matter to the second respondent instead of rejecting the petitioner's claim. The learned Single Judge of this Court in the decision referred to supra, has also considered an identical matter and has observed that the Government should not stand on hyper technicalities whenever they are considering the implementation of a beneficial scheme. In that decision, the learned Single Judge had set aside the impugned orders and remanded back the matter to the respondents therein for fresh consideration and the petitioner herein is similarly placed to that of the petitioner in that case.

8. From the above observations made by this Court, it is clear that the impugned order has been passed arbitrarily and by total non application of mind to G.O.Ms.No.265, Revenue [LR.1 (2)] Department, dated 10.09.2011, G.O.Ms.No.333, Revenue [LR.1 (2)] Department, dated 05.08.2014 and G.O.Ms.No.157, Revenue [LR.1(2)] Department, dated 08.04.2015. Hence, the impugned order has to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration in accordance with law.

9. For the foregoing reasons, the impugned order dated 22.10.2020 is hereby quashed and the matter is remanded back to the second respondent/ District Collector for fresh consideration and the second respondent shall pass final orders on the petitioner's application seeking for death compensation under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Ammu Scheme), in the light of G.O.Ms.No.265, Revenue [LR.1(2)] Department, dated 10.09.2011, G.O.Ms.No.333, Revenue [LR.1(2)] Department, dated 05.08.2014 and G.O.Ms.No.157, Revenue [LR.1(2)] Department, dated 08.04.2015, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

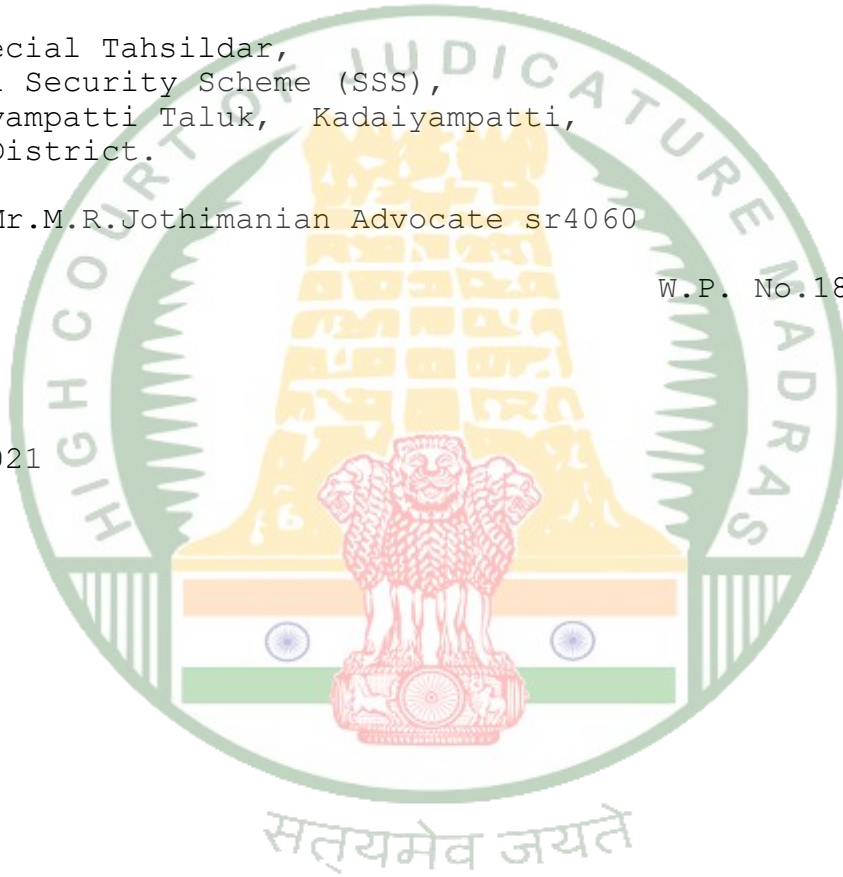
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To

1. The Principal Secretary to Government,
State of Tamil Nadu
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.
- +1 cc to Mr.M.R.Jothimanian Advocate sr4060

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