



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.22787 OF 2021

(Through Video Conferencing)

Mrs.R.Sri Sakthi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Home Secretary,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore, Chennai - 600 004.
3. The Superintendent of Police,
Kanchipuram District.
4. The Inspector General of Police Operations,
Chennai - 600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the second respondent to give appointment in Government Services on compassionate grounds.

For Petitioner : Mr.K.Prasanthan

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.

2. This writ petition is disposed at the time of admission considering the fact that the petitioner's representation dated



05.07.2021 to the first and second respondents have not evoked any response from the respondents so far.

3. It is the case of the petitioner that the petitioner's husband died on 01.03.2019 due to natural cause while in service was also entitled for compensation under the Tamil Nadu Police Insurance Scheme.

4. The learned counsel for the petitioner has drawn reference to the decision of the Hon'ble Division Bench of this Court in W.A.No.1286 of 2014 dated 04.07.2018. He submits that dealing with an identical situation, where the police officer while travelling on patrol duty developed chest pain and died, the Hon'ble Division Bench of this Court in paragraphs 16 to 18 held as under:-

"16. We make the position clear that the Tamil Nadu Police Insurance Scheme Rules for Police Officers and Police Personnel would cover even the cases of Police Personnel who died while on duty and it is not restricted to accidental death or permanent/partial disability arising out of employment.

17. We direct the appellants to pay the compensation awarded by the Writ Court to the respondent along with interest @ 9% per annum from 1 July 2009, the date on which the writ petition was filed by the respondent. The amount with interest should be paid within a period of one month from the date of receipt of a copy of this judgment.

18. The intra court appeal is dismissed without liability to pay costs."

5. The learned counsel for the petitioner further submits that the petitioner is entitled for compensation in terms of the above decision of this Court. The learned Government Advocate for the respondents submits that there is no merits in the present writ petition. He submits that the said decision is not applicable to the facts of the present case. I have considered the arguments of the learned counsel for the petitioner and heard the learned Government Advocate for the respondents. The order passed in W.A.No.1286 of 2014 on 04.07.2018 squarely applies to the facts of the case. Under these circumstances, the impugned orders dated 27.07.2020 and 25.09.2020 are quashed with a consequential direction to the second and third respondents to pass appropriate orders in accordance with law and on merits factoring the decision of the Hon'ble Division



Bench of this Court in W.A.No.1286 of 2014, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands allowed with the above observations. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore, Chennai - 600 004.
3. The Superintendent of Police,
Kanchipuram District.
4. The Inspector General of Police Operations,
Chennai - 600 028.

+1cc to the Government Pleader, S.R.No.55822

W.P.No.22787 of 2021

GPL(CO)

RLP(01/12/2021)