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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22523 of 2015

Mrs.Amsavalli Prabu Ganesan

... Petitioner

Vs

1.Union of India,
Ministry of Overseas Indian Affairs
Rep.by its Secretary,
Government of India,
Akbar Bhawan, Chanakya Puri
New Delhi - 110021

2.The Protector of Emigrants,
TNHB Complex,
Ashok Nagar,
Chennai - 600 083.

3.Mr.Rajesh
Blue Mist Swimming Pools,
Umm Al Quwain,
UAE.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd Respondent authorities to conduct proper enquiry and initiate proper credible action against those responsible including the third respondent and also to order compensation to the petitioner for the injury caused to the petitioners husband as well as the mental trauma caused to the petitioner.

For Petitioner : Mr.A.K.Perumal Udayar

For Respondent : R1 - Mr.P.R.Ramesh Babu
Senior Standing counsel
R2 - No appearance
R3 - Not ready in notice

O R D E R

The relief sought for in the present writ petition is to direct the 1st and 2nd Respondent authorities to conduct proper enquiry and initiate proper credible action against those



responsible including the third respondent and also to order compensation to the petitioner for the injury caused to the petitioners husband as well as the mental trauma caused to the petitioner.

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2. The husband of the petitioner Shri Prabhu Ganesan was working in UAE as Driver/labourer for over nine years. Currently, he was employed as a supervisor of swimming pools in Blue Mist Swimming Pools, Umm Al Quwain, U.A.E. He was engaged to do risky work of handling dangerous chemicals / Acid. During the year 2014, after coming to India, the husband of the petitioner returned to UAE. He was admitted in Umm Al Quwain Hospital and the petitioner came to understand that the husband of the petitioner was completely paralysed and was in the state of coma. The same was intimated to the petitioner after a period of three months. The petitioner suspect that the reason for the illness, which resulted in Coma was due to the activities of the employers at UAE. The petitioner's husband was handling chemicals without any proper training or guidelines.

3. This Court is of the considered opinion that the husband of the petitioner voluntarily secured employment in UAE and was working. He was ill and admitted in the Hospital. This being the factum, it is no way connected with the affairs of the Ministry of Overseas and in the event of any assistance, the petitioner is at liberty to approach the authorities of Indian Embassy for necessary action. Contrarily, the writ Court cannot issue any direction to conduct an enquiry as the illness of the husband of the petitioner is no way connected with the respondents 1 and 2 and further, he was provided with a treatment in a hospital.

4. Under these circumstances, the petitioner needs any permissible assistance, then the authorities have to provide the same in the manner known to law.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Union of India,
Ministry of Overseas Indian Affairs
Government of India,
Akbar Bhawan, Chanakya Puri
New Delhi - 110021

2. The Protector of Emigrants,
TNHB Complex,
Ashok Nagar,
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SMI (CO)
CB(04/02/2022)