



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18765 of 2020

N. Govindarajan

... Petitioner

Vs

1. The Registrar
Annamalai University
Annamalai Nagar -608 002.
2. The District Collector,
Cuddalore District,
Cuddalore.
3. The Secretary
Government of Tamilnadu
Higher Education Department
Fort St.George,
Chennai - 9

...Respondents

PRAYER : 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 relating to the impugned order dated 17.04.2017 made in No.C3/21802/2014 passed by the first respondent herein, rejecting the claim for compensation, quash the same and consequently direct the respondents to pay a sum of Rs.20,00,000/- as compensation for the death of my son Sivasakthi, in the Annamalai University Raja Muthiah Medical College Hospital, Annamalai Nagar, Chidambaram on 22.11.2004.

For Petitioner ... Mr.G.Vasudevan

For Respondents ... Mr.V.R.Kamalanathan for R1

Mr. P.Gurunathan,
Additional Government Pleader
for R2

Mr. C. Jayaprakash,
Government Advovate for R3.



O R D E R

The present petition has been filed seeking the relief of quashment of the the impugned order dated 17.04.2017 passed by the 1st respondent and a direction to the respondents for payment of compensation towards the death of the petitioner's son.

2. It is the case of the petitioner that the petitioner was informed that his son was suffering from fever and he had been admitted in Raja Muthiah Medical College Hospital, Annamalai University campus and on the very same day, his son had passed away. Due to the aforesaid incident, few students who were on strike for the death of the petitioner's son were arrested. The family members of the deceased have made certain demands, pursuant to which, one of the family members had been temporarily appointed as Lecturer in the said University. Thereafter, the petitioner made several representations requesting for payment of compensation towards the death of his son. However, said request was rejected vide impugned order dated 17.04.2007. Aggrieved by the same, the present petition has been filed seeking the relief of quashment of the same.

3. Learned counsel for the petitioner submits that though the employment was given to one of the family members of the petitioner, however, the request made for payment of compensation towards the death of his son has been rejected by way of the impugned order, which has resulted in filing of the present petition. Hence, the impugned order passed by the respondents may be quashed and this Court may direct the respondents to pay the equitable compensation to the petitioner towards the death of his son.

4. Learned Counsel appearing for the respondents submits that pursuant to the demands made by the petitioner, one of the family members was given an employment and the students who were arrested at the time of the death of the petitioner's son were also released. In such circumstances, the claim of the petitioner in this petition for payment of compensation cannot be entertained as there is no provision available for payment of any such compensation as claimed by the petitioner. Hence, challenging the impugned order, by way of a Writ Petition is wholly impermissible and this Writ petition is liable to be dismissed.

5. Heard the learned counsel on the either side and perused the materials available on record.



6. A perusal of the materials available on record reveals that but for the payment of compensation, the other demands made by the petitioner have been met out by the respondent. The petitioner has not placed before this Court the provision of law by which he claims compensation. There being no provision available for payment of compensation, the major portion of the demand having already been granted, the relief of compensation which has been rejected vide the impugned order does not suffer the vice of any illegality.

7. Hence, this Court is not inclined to interfere with the impugned order of the respondents and the prayer sought for in this Writ Petition cannot be acceded to. Therefore, this petition deserves to be dismissed.

8. For the reasons aforesaid, this petition is devoid of merits and, accordingly, the same is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Registrar
Annamalai University
Annamalai Nagar -608 002.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Secretary
Government of Tamilnadu
Higher Education Department
Fort St.George, Chennai-9

+1cc to Mr.V.R.Kamalanathan, Advocate, S.R.No.4412
+1cc to the Government Pleader, S.R.No.4706

W.P.No.18765 of 2020

GPL[co]
NSK 18/03/2022