



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.13279 of 2011

and

M.P. (MD) No.1 of 2011

S.Alagumalai ... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar (Socila Security Scheme)
Periayur Taluk,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the second respondent made in his proceedings in O.Mu.No.6068 of 2011 dated 24.06.2011 and to quash the same and consequentially direct the respondents to disburse the death benefit and the funeral expenses due to the petitioner under the Tamil Nadu Agricultural Labourers-Farmers (Social Security and Welfare) Scheme, 2006 due to the death of his elder son Thirumal Kannan in a expedite manner.

For Petitioner : Mr.M.Jegadeesh Pandian

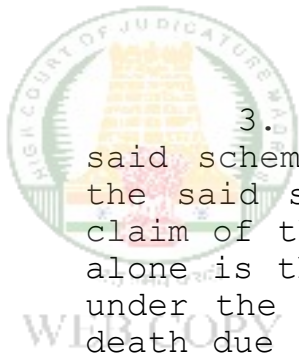
For Respondents : Mr.N.Muthuvijayan

Special Government Pleader

ORDER

The present writ petition has been filed seeking to quash the order passed by the second respondent, under which the request of the petitioner claiming compensation for the death of his son under the Tamil Nadu Agricultural Labourers-Farmers (Social Security and Welfare Scheme) 2006 was rejected.

2. Admittedly, the writ petitioner, namely Alagumalai, is a member under the scheme. An identity card has also been issued in his favour, however his son who was a minor is not a member of the said scheme. Admittedly, the son of the writ petitioner, namely, Tirumalkannan, had died on 28.03.2011 in an unfortunate accident.



3. The writ petitioner has sought compensation under the said scheme from the second respondent authority. After perusing the said scheme, the second respondent authority has rejected the claim of the writ petitioner on the ground that the writ petitioner alone is the member under the scheme and not his son. Only a member under the scheme would be entitled to receive compensation for the death due to an accident. The said order is under challenge in the writ petition.

4. The learned Counsel for the petitioner had contended that the Identity Card of the writ petitioner indicates the name of the son of the writ petitioner and he also should be construed to be a member under the scheme and entitled to the benefits under the scheme.

5. Per contra, the Government Advocate appearing for the respondents after referring to the clauses in the scheme pointed out that only a member on his death due to an accident is entitled to receive the benefits under the scheme. The writ petitioner's son was a minor and he was not a member of the said scheme and hence he is not entitled to receive benefits under the scheme.

6. I carefully perused the scheme produced by the Government Advocate. It is clear that only a member who has been admitted under the scheme would be entitled to the benefits under the scheme for death due to an accident. Admittedly, the writ petitioner's son was not a member of the scheme and he is not entitled to receive any benefits under the scheme. I don't find any illegality or infirmity in the order passed by the second respondent. Hence the writ petition is dismissed. However, the writ petitioner is always at liberty to approach the appropriate forum to claim compensation for the death of his son. The second respondent has rejected the request of the petitioner on the ground that writ petitioner's son is not shown as a nominee in the said scheme. However, on perusal of the scheme indicates that though the reasons assigned in the impugned order are erroneous, I find that the writ petitioner would not be entitled to the benefits after perusal of the scheme.

7. With the above said observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

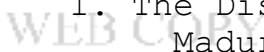
Sd/-

Assistant Registrar(CS-I)

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Sub Assistant Registrar(CS)



W.P.(MD).Na13279 of 2011

jbr

To

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsildar (Socila Security Scheme)
Peraiyur Taluk,
Madurai District.

+1 CC to M/s.SPL.GP (SR-25858[F] dated 15/06/2022)

W.P. (MD) .No.13279 of 2011
14.06.2022

AC (CO)
KB (22.06.2022) 3P 4C