



W.P(MD).No.11848 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11848 of 2012

and

W.M.P(MD) No.17902 of 2022

N.Azhagi (Died)

Namban
S/o.Late. Namban
Ganapathipatti,
Pranpatti Post,
Pulithipatti Via,
Thirupathur Taluk,
Sivagangai District.

... Petitioner / Proposed petitioner

(Petitioner substituted vide order of this
Court, dated 14.10.2022 in W.M.P(MD)
No.17899 of 2022 in W.P(MD)
No. 11848 of 2012)

-VS-

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Social Security Scheme,
Thiruppathur,
Sivagangai District.

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the second respondent in Na.Ka.A12-2338-10, dated 21.06.2012, quash the same and further directing the respondents to give the petitioner accident relief of Rs.1,00,000/- (Rupees One Lakh only) and funeral expenses of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) for the death of petitioner's husband Namban, Son of Paramanamban as per Section 18(2) and 19 of Tamil Nadu Agricultural Labourers-Farmers (Social Security and Welfare Scheme) Act, (Tamil Nadu Act No.29 of 2006) within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For R-1 & R2 : Mr.A.Baskaran
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging the Memo issued by the second respondent herein, under which, the request of the writ petitioner for grant of compensation under Tamil Nadu Agricultural Labourers-Farmers (Social Security and Welfare Scheme) Act 2006 has been rejected.



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2. Admittedly, the petitioner's husband, namely, Namban was a member of a said Scheme under the above said Act and he has also been issued identity card. The writ petitioner's husband had died due to an accident which took place on 13.01.2010. The petitioner had approached the second respondent herein making a claim of compensation of Rs.1,00,000/- (Rupees One Lakh only) under the above said Scheme. Under the impugned order, the second respondent has rejected the said claim, on the ground that the petitioner's husband has passed away due to a road accident and he has not died while during the agricultural activities. This order is under challenge in the present Writ Petition.

3. A perusal of the Scheme, especially, Clause 19 clearly indicates that it is an insurance policy for the accident relief. Clause 18 provides for accident relief. There is no reference in the Scheme with regard to the fact that accident should take place during the agricultural activities and it does not cover road accident. Hence, the order impugned in the Writ Petition is not in consonance with the scheme and the same is liable to be set aside. Accordingly, this Writ Petition stands allowed.



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4. Pending Writ Petition, the writ petitioner who is the wife of the deceased had passed away and one of the legal heirs has been impleaded. The petitioner is directed to approach the second respondent herein with the legal heir certificates.

5. The second respondent is directed to disburse the compensation amount as per the Scheme proportionately to all the legal heirs of the deceased Namban within a period of Twelve (12) weeks from the date of receipt of legal heir certificate. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

1. The District Collector,
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2. The Tahsildar,
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R.VIJAYAKUMAR,J.

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