



W.P(MD)No.7747 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7747 of 2016

Mrs.Susila

... Petitioner

Vs.

- 1.The Protector of Emigrants,
Ministry of Overseas Indian Affairs,
T.N.H.B Complex,
Ashok Nagar,
Chennai-600 083.
- 2.Indian Consulate in Dubai,
United Arab Emirates,
Al Hamaria Diplomatic Enclave,
Po Box:737, Dubai,
UAE.
- 3.The Additional Secretary to Government,
Public (Rehabilitation-I) Department,
Secretariat,
Chennai-600 009.
- 4.The First Secretary (CS) Counsellor,
Ministry of Overseas Indian Affairs,
High Commission of India,
Dubai.



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5.The Protector General of Emigrants,
Ministry of Overseas Indian Affairs,
9th Floor, Akbar Bhavan,
Chanakyapuri,
New Delhi-110 021.

6.The Joint Secretary (South),
Ministry of Overseas Indian Affairs,
Government of India,
New Delhi.

7.The Head of Branch Secretariat,
Ministry of External Affairs,
68, College Road,
Chennai-600 006.

8.M/s.Belhasa Holding PJSC,
P.O. Box:1286,
Dubai, UAE.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent Nos.1 to 7 to take necessary steps against the eighth respondent to get the death benefits of the petitioner's son Kartikeyan Sivanandam.

For Petitioner : Mr.P.Sesubalan Raja

For R-1, R-4, R-5, R-6 & R-7 : Mr.M.Karthikeya Venkatachalapathy
Government Advocate

For R-2 & R-8 : No appearance

For R-3 : Mr.D.Sasikumar
Additional Government Pleader



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ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, as against R1 to R7 to take necessary steps against the eighth respondent to get the death benefits of the petitioner's son Kartikeyan Sivanandam.

2. According to the contentions of the petitioner, the petitioner's son was sponsored by the eighth respondent and he was working in Dubai as a maintenance Mechanic Assistant. He had died on 26.06.2015 in Dubai. According to the petitioner, the documents sent along with the body revealed that he died due to septic shock. The petitioner has further contended that the petitioner's son was working in the eighth respondent company from the year 2013 onwards for nearly two years before he had passed away. Though they have made several attempts and sent legal notices, there was no response from the eighth respondent company. Hence, they have approached the third respondent herein by way of a representation, dated 25.01.2016. The State Government has also



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requested the authorities of the Central Government to move the Indian Mission in Dubai to get the death compensation for the writ petitioner's son. Since there was no response, the present writ petition has been filed.

3. The learned Additional Government Pleader for the official respondents had placed on record a communication received from the first respondent herein to the effect that the writ petitioner has to place all the original records to the foreign employer. So that, the said employer could process the compensation. The learned Counsel for the writ petitioner has expressed difficulty that once the original records are sent to the foreign employer and if there is no response or if they later contend that they have not received the original records, the petitioner would face great difficulty. In view of the above said contentions, this Court is inclined to passes the following order:

"(1) The writ petitioner is directed to produce all the original records relating to the death of the petitioner's son, so as to receive the death compensation to the first respondent.



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(2) The first respondent on receipt of the same shall forward the said documents to the eighth respondent for payment of compensation.

(3) In case, if the foreign employer demands some other document, the same may be called for from the writ petitioner by the first respondent.

(4) This Court hopes that the official respondents will expedite the said process since the writ petitioner's son had passed away way back in the year 2015."

4. With the above said observations, the Writ Petition stands allowed. No costs.

13.07.2022

Index : Yes / No
Internet : Yes / No
btr



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R.VIJAYAKUMAR, J.

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