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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **10.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 2325 of 2022

K.Arunachalam

... Petitioner

..Vs..

1. The Principal Secretary to Government
Health and Family Welfare Department
Fort St. George,
Chennai – 600 009.
2. The Principal Secretary to Government
Revenue and Disaster Management Department
Fort St. George,
Chennai – 600 009.
3. The Additional Secretary/ Commissioner of Revenue/
Administration, Ezhilagam, Chempauk,
Chennai – 600 005.
4. The District Collector,
Office of the Collectorate,
Chennai – 600 001.
5. The Director of Medical and Rural Health Services
Teynampet
Chennai – 600 006.
6. The Director of Medical Education
Kilpauk, Chennai – 600 010.
7. The Dean
Rajiv Gandhi Government General Hospital
Poonamallee High Road, Chennai – 600 003. ... Respondents



PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the impugned order No.37249/T1/2021-1, dated 28.10.2021 passed by the first respondent and to quash the said impugned order and consequently directing the respondents to pay the sum of Rs.50,00,000/- to the petitioner.

For Petitioner	:: Mr. R.Thirugnanam
For RR 1 to 4	:: M/s.P.Rajarajeswari Government Advocate
For RR 6 & 7	:: No appearance

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking a direction to call for the records of the impugned order No.37249/T1/2021-1, dated 28.10.2021 and passed by the first respondent / the Principal Secretary to Government, Health and Family Welfare Department, Chennai and to quash the same and consequently to direct the respondents to pay a sum of Rs.50,00,000/- to the petitioner.

2. The petitioner K.Arunachalam had benefited by payment of a sum of Rs.50,00,000/- under the Pradhan Mantri Garib Kalyan Package (PMGKP), Insurance Scheme for Health Workers Fighting



4. This has been interpreted by the learned counsel for the petitioner as stating that even if the compensation has already been paid by the Central Government under the PMGKP Insurance Scheme for Health Workers Fighting Covid-19, the petitioner is eligible for payment of another sum of Rs.50,00,000/- from the State Government. I do not agree with such interpretation.

5. The purport of the Chief Minister's announcement is only to equalise the compensation payable by the State Government to the same amount as that was promised by the Central Government. It was Rs.10,00,000/- by the State Government and that was increased to Rs.50,00,000/-. There was no intention that the sum of Rs.50,00,000/- which was the sum to be paid by the State Government was over and above the sum paid by the Central Government. A person can get that benefit of that scheme either under the Central Government or under the State Government scheme. He cannot seek a relief from both the Central Government and from the State Government Scheme. That would be making unlawful gain from unfortunate death. The petitioner must realise that Rs.50,00,000/- which he claims can be given to any other family which requires that benefit. He had received a sum of Rs.50,00,000/-. He should be satisfied service of his wife had been recognised by the authorities



and consequent to her death, her family had been given the benefit of Rs.50,00,000/-. He should not stand in the way of yet another family similarly benefiting from the State Government for such compensation of Rs.50,00,000/- and claim the amount for himself over and above again and again.

6. In the counter affidavit, it had been very clearly stated that quite apart from Rs.50,00,000/- which has been paid, all the other terminal benefits such as family benefit of Rs.3,00,000/-, DCRG of Rs.17,46,927/- and leave salary benefit of Rs.9,70,124 had been claimed and settled to the legal heirs. Additionally, the daughter Tmt.A.Krishnakumari had also been given an appointment as an Assistant in the Office of the National Health Mission, Tamil Nadu, Chennai, by an order dated 19.03.2021. It is stated in the counter affidavit that she has not joined in that office and has raised a claim that the said employment does not fall under State Government service and expressing grievance, has filed yet another Writ Petition which is pending. Let me not enter into any discussion on the merits of that particular Writ Petition.



7. With respect to the claim in the present Writ Petition is concerned, I am afraid, I cannot accept the interpretation given by the learned counsel for the petitioner that the petitioner should be given a benefit of Rs.50,00,000/- by the Central Government and another Rs.50,00,000/- by the State Government. The purport of the scheme is that the benefit should be either from the Central Government or from the State Government. If the benefit has been rejected by the Central Government, then the State Government would extend its arms and embrace the petitioner and seek to be alleviate his grievances. The impugned order has been passed rejecting compensation of Rs.50,00,000/- by the State Government. The reasonings are correct and I uphold the order.

8. I find no ground to interfere with the said impugned order and hence, the Writ Petition stands dismissed. No costs.

9. The other petition filed seeking employment of the daughter in the State Government post would be independently considered whenever it is taken up for hearing.

10.01.2023

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



To

WEB COPY

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C.V.KARTHIKEYAN, J.,

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