



WP.No.21218 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.21218 of 2022
and W.M.P.Nos.20198 & 34606 of 2022
16388 of 2023

S.Subramai

.. Petitioner

Versus

1.The State of Tamil Nadu
Rep by its Principal Secretary to Government
Death and Family Welfare (T1) Department
Fort St.George
Chennai – 600 009

2.The Superintendent of Police
District Superintendent of Police
Villupuram District

3.The Tahsildar

Tiruvannamalai District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of 2nd Respondent vide his proceedings in Na.Ka.No.G1 / 34862 / 2021 dated 06.01.2022 and to Quash the same as highly illegal and further for a direction to the 1st and 2nd Respondents to disburse the Death Benefits Family Pension and other Monetary Benefits entitled to the Petitioner including the Solatium Fund Provided for the deceased front line workers as per G.O.Ms.No. 904 Death and Family Welfare (T1) Department dated 06.08.2021 as the Petitioner daughter Pushpavalli died out of Covid-19 on 14.5.2021 after contracting the said virus at her work place in view of the Petitioner's Representation dated 11.12.2021 treating the Relationship certificate dated 29.11.2021 issued by the 3rd respondent in equivalence to the legal heirship certificate.



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In W.P.No.21218 of 2022

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For Petitioner : Mr.J.Ashok
For Respondents : Mr.M.Alagu Gowtham
Government Advocate

In W.M.P.No.16388 of 2023

For Petitioner : M/s.C.Jayachithra
For Respondents : Mr.J.Ashok for R1
Mr.M.Alagu Gowtham for R2 to R4
Government Advocate

ORDER

This writ petition has been filed mainly challenging the order issued by the second respondent rejecting the claim of the petitioner to disburse the death benefits and further for a direction to the Respondents 1 & 2 to disburse the Death Benefits Family Pension and other Monetary Benefits entitled to the petitioner including the Solatium Fund Provided for the deceased front line workers as per G.O.Ms.No. 904 Death and Family Welfare (T1) Department dated 06.08.2021, as the Petitioner daughter Pushpavalli died out of Covid-19 on 14.5.2021 after contracting the said virus at her work place in view of the Petitioner's Representation dated 11.12.2021 treating the Relationship certificate dated 29.11.2021 issued by the 3rd respondent in equivalence to the legal heirship certificate.

2. It is the contention of the writ petitioner that his daughter was
<https://www.mhc.tn.gov.in/judis>



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appointed as Office Assistant in the Second Respondent Department Service on compassionate ground on 03.03.2016. During the pandemic, she was attending the office regularly and in fact, she was a frontline worker, she was infected with Covid virus and succumbed to death on 14.05.2021. Hence, the petitioner has given a representation dated 11.12.2021 and further, the same was rejected on the ground that the legal heir certificate has not been produced.

3. It is the contention of the petitioner that the Relationship Certificate issued by the third respondent/Tahsildar clearly indicates that the petitioner and his wife are the parents of the deceased. It is the duty of the respondent to verify the relationship of the parties and disburse the benefits.

4. The learned Government Advocate submitted that the respondent will verify the details and pass orders on merits after taking a decision as to whether the daughter of the petitioner will come within the ambit of G.O.(D).No.904 dated 06.08.2021, Health and Family Welfare (T1) Department.



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5. Such view of the matter, the respondents are directed to pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this Order.

6. The impleading petitioner has filed the petition in W.M.P.No.16388 of 2023 to implead herself to claim the death benefits. The impleading petitioner claims to be the mother-in-law. Therefore, according to her, she is also entitled to claim. This Court is of the view that admittedly, the deceased died issueless, her husband had died long back. Such being the position, the mother-in-law cannot be any of the legal heir. Therefore, the impleading petition is dismissed.

7. Accordingly, this writ petition stands disposed of. Consequently, miscellaneous petitions in W.M.P.Nos.20198 & 34606 of 2022 stands closed.
No costs.

04.07.2023

dhk
Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No



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To

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The State of Tamil Nadu
Death and Family Welfare (T1) Department
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District Superintendent of Police
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N.SATHISH KUMAR, J.

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