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W.P.Nos.23674 & 23913 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.23674 & 23913 of 2022

Nirosha

... Petitioner
in both writ petitions

Vs.

1.The District Collector,
Ranipet District,
Ranipet.

2.The Tahsildar,
Kanchipuram Taluk,
Kanchipuram.

3.The Block Development Officer,
Block Development Office,
Nemili Union,
Ranipet District.

4.Vanaja

... Respondents
in both writ petitions

Prayer in W.P.No.23674 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the orders dated 19.05.2022 and 29.07.2022 in Na.Ka. A1/ 1342/2022 of the 3rd respondent, quash the same and consequently direct the respondents 1 and 3 to appoint the petitioner to any eligible post under compassionate ground for her



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husband Late.Mr.Janakiraman without insisting integrated certificate and NOC from the respondents 2 and 4 respectively.

Prayer in W.P.No.23913 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 22.07.2022 in Na.Ka.A1/1342/2022 of the 3rd respondent, quash the same and consequently direct the respondents 1 and 3 to disburse the petitioner's share of the death benefits of her husband Late Mr. Jankiraman without insisting NOC from the 4th respondent.

For Petitioner	: Mr.Mohammed Yaqoob for Mr.D.R.Arunkumar in both writ petitions
For R1 and R2	: Mr.P.Balathandayutham Special Government Pleader in both writ petitions
For R3	: Mr.D.Ravichander in W.P.No.23913 of 2022
For R3	: Mr.E.Sundaram in W.P.No.23674 of 2022
For R4	: Mr.L.Ramu in both writ petitions



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COMMON ORDER

W.P.No.23913 of 2022 has been filed challenging the order of the 3rd respondent, dated 22.07.2022, insisting the petitioner to produce No Objection Certificate from the 4th respondent, for disbursal of death benefits of the husband of the petitioner.

2.W.P.No.23674 of 2022 has been filed challenging the orders of the 3rd respondent, dated 19.05.2022 and 29.07.2022, insisting the petitioner to produce No Objection Certificate from the 4th respondent and Integrated Certificate for the purpose of processing her application for compassionate appointment.

3.It is the case of the petitioner that her husband, namely S.Janakiraman, died in harness on 01.04.2022. Thereafter, the petitioner made an application before the authorities for disbursal of death benefits of the deceased and also for compassionate appointment, to the petitioner. However, the 3rd respondent has issued the impugned order, dated 22.07.2022, directing the petitioner to produce certain documents including No Objection Certificate from the 4th respondent, the mother of



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the deceased, for the purpose of disbursal of death benefits of the petitioner's husband. The 3rd respondent has also issued the impugned orders, dated 19.05.2022 and 29.07.2022, directing the petitioner to produce certain documents including No Objection Certificate from the 4th respondent, the mother of the deceased, and Integrated Certificate from the Revenue Authorities for the purpose of processing her application for compassionate appointment. Challenging the same, the present writ petitions have been filed.

4.Heard the learned counsel for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader, appearing for the respondents 1 and 2, Mr.D.Ravichander, learned counsel appearing for the 3rd respondent in W.P.No.23913 of 2022, Mr.E.Sundaram, learned counsel appearing for the 3rd respondent in W.P.No.23674 of 2022, and Mr.L.Ramu, learned counsel, appearing for the 4th respondent.

5.The details of death benefits payable to the deceased is now produced before this Court, according to which, a sum of Rs.13,07,253/- is pending to be paid as death benefits.



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6.The petitioner has submitted an undertaking affidavit, dated 07.09.2023, before this Court, agreeing to receive only 50% of the death benefits, since the 4th respondent is also a Class-I legal heir of the deceased, who is entitled to receive the remaining 50% of the death benefits. The petitioner has also undertaken in the affidavit that she would receive only 50% of the share from the compensation amount that may be awarded in the Motor Accidents Claims Tribunal. The undertaking affidavit filed by the petitioner is taken on record.

7.Accordingly, there shall be a direction to the 3rd respondent to release 50% of the death benefits of the deceased S.Janakiraman to the petitioner and the remaining 50% to the 4th respondent. Such payment in the aforesaid ratio shall be released within a period of three months from the date of this order. With the above direction, W.P.No.23913 of 2022 is disposed of. No costs.

8.As far as W.P.No.23674 of 2022 is concerned, the 3rd respondent, vide impugned order dated 29.07.2022, has informed the petitioner that the processing of the application of the petitioner for



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compassionate appointment is being delayed on account of non-submission of No Objection Certificate from the 4th respondent and Integrated Certificate, despite those particulars being called for vide earlier communication dated 19.05.2022.

9.The 4th respondent is the mother of the deceased. Today, she is also present before this Court. She submits that, though she has objections in giving compassionate appointment to the petitioner, let the Department consider the application of the petitioner on its own merits.

10.In such view of the matter, the 1st respondent shall pass final orders on the application of the petitioner for compassionate appointment, on its own merits and in accordance with the Government Orders and Scheme available in this regard, within a period of three months from the date of receipt of a copy of this order. With this direction, W.P.No.23674 of 2022 is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The District Collector,
Ranipet District,
Ranipet.
- 2.The Tahsildar,
Kanchipuram Taluk,
Kanchipuram.
- 3.The Block Development Officer,
Block Development Office,
Nemili Union,
Ranipet District.



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N. SATHISH KUMAR, J.
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