



W.P.(MD) No.3523 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD)No.3523 of 2021
and
W.M.P.(MD)No.2854 of 2021

Valarmathi

...Petitioner

Vs.

- 1.The Principle Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai-600 009.
- 2.The District Collector,
Madurai District,
Collector office Road Near,
Alwarpuram, Madurai-625 020.
- 3.The Joint Director of Health Services,
Department of Health and Family Welfare,
Office of The Deputy Director of Health Services,
Viswanathapuram, Madurai-625 009.
- 4.The Dean,
Government Rajaji Hospital,
Alwarpuram, Madurai-625 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other appropriate writ or order directing the respondent authorities to act upon



W.P.(MD) No.3523 of 2021

the representation submitted by the petitioner dated 30.01.2021 and direct them to pay adequate compensation to the petitioner in the light of the announcement/scheme as announced by the Government of Tamil Nadu dated 22.04.2020.

For Petitioner :Mr.M.Sudhan
For Respondents :Mr.A.K.Manikkam
Special Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents to pay compensation to the petitioner in the light of the demise of her husband during Covid-19 pandemic, under the scheme that has been announced by the Government of India.

2. The fourth respondent has filed a counter affidavit and the relevant portions are extracted herein:-

“6. It is respectfully submitted that the deceased worker has been provided duty as "Transfer out duty", at CORONA WARD from 26.07.2020 to 01.08.2020. The duty assigned to him was to shift the Corona affected patients from other ward to the Corona ward. While he was on duty he has been test positive on 28.07.2020, where his "Date of



W.P.(MD) No.3523 of 2021

onset illness" is of from 25.07.2020, which is prior to his duty at the Corona ward.

7. It is respectfully submitted that the State Government has announced compensation to the permanent State Government workers who has been engaged as front line workers, died due to Corona infection. Admittedly, the petitioner's husband being a daily wage worker has been receiving his daily wage from and out of the hospital management fund and Chief Minister Insurance Scheme [CMCHIS]. Hence, there is no specific provision providing any compensation nor other benefits to the daily wage worker, since they has been engaged and disbursed with daily wages as and when they performed their duty at the 4th respondent hospital.

8. It is respectfully submitted that the petitioner's representation dated 25.08.2020, seeking the same relief has been considered and replied through this respondent letter in Na.Ka.No.11875/Ne.3/3/2020, dated 06.11.2020, stating that the claim of the petitioner could not be considered positively. After receiving the reply from the 4th respondent the petitioner has again approached this Hon'ble Court seeking the same relief without challenging the reply given to her by considering her earlier representation."

3. It is seen from the above that there was no scheme for providing any compensation to the petitioner and that apart, the claim



W.P.(MD) No.3523 of 2021

made by the petitioner was negated by proceedings dated 06.11.2020.

This has not been put to challenge before this Court.

4. In view of the above, the relief sought for by the petitioner cannot be granted by this Court and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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W.P.(MD) No.3523 of 2021

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W.P.(MD) No.3523 of 2021

N. ANAND VENKATESH, J.

SM

Order made in
W.P(MD)No.3523 of 2021

Dated
12.10.2023