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WP.No.3957 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.01.2024

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.3957 of 2021

Bavani

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Petitioner

/vs/

1. The Principal Secretary,
Tamil Nadu Fire and Rescue Services Department
Secretariat,
Chennai 600 009.
2. The Director,
Office of the Director,
Tamil Nadu Fire and Rescue Services Department,
Egmore, Chennai 600 008.
3. The Deputy Director
Tamil Nadu Fire and Rescue Services Department,
Central Region Trichy.
4. The District Fire Officer,
Office of the Fire and Rescue Department,
Tamil Nadu Fire and Rescue Services,
Villupuram Division.
5. Jamuna Rani,
Station Officer,
Tamil Nadu Fire and Rescue Services Department,



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Ulunthurpettai,
Kallakurichi District

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Respondents

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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS , directing the Respondents to initiate a department proceeding as against the 5th Respondent in respect of the death of B.Varadharajulu worked as Leading Fire Man at Uluthurpettai Fire Station, Kallakurichi District, based on the Representation dated 14.10.2020 submitted by the petitioner.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.R.P.Murugan Raja,
Government Advocate for RR1 to 4.

: No appearance for R5.

ORDER

This Writ Petition has been filed by the petitioner seeking direction against the respondent 2 and 3 to initiate departmental proceedings against the 5th respondent in view of death of her husband B.Varadharajulu who worked as Leading Fire Man at Uluthurpettai Fire Station, Kallakurichi District based on her representation dated 14.10.2020.

2.Heard, Mr.G.Pugazhenth, learned counsel for the petitioner and



Mr.R.P.Murugan Raja,, learned Government Advocate for respondents 1 to 4 and perused the materials available on record.

3. Mr.G.Pugazhenth, learned counsel for the petitioner submitted that the petitioner's husband died due to a heart attack at his workplace. The petitioner, who is the wife of the deceased B.Varadharajulu, has given representation to the 2nd and 3rd respondents by stating that the 5th respondent was negligent at the time when her husband suffered a heart attack in the workplace, and she did not inform the matter to the petitioner immediately after the occurrence.

4. On the fateful night of 10.6.2020, the petitioner's husband Varadharajulu was on duty. The 5th respondent was the Station Officer of the Uluthurpettai Fire Station, Kallakurichi District and at about 1.30 hours, the 5th respondent is said to have given an emergency alarm. The allegation of the petitioner is that the 5th respondent raised the emergency alarm without any necessity and that had no caused sudden nervous shock induced heart attack to the petitioner's husband.

5. Her further grievance is that she was available in the quarters next to the fire station but she was not informed when her husband was taken to the hospital



by the 5th respondent and hence the golden hours to save the petitioner was sadly missed.

6. In the representation of the petitioner, she has stated that one mechanic by name Ashok had made a complaint against 5th respondent and during the enquiry on the complaint, the 5th respondent told her husband that giving any statement any against her will create animosity.

7. The death of Varadharajulu was caused due to heart attack suffered on the alleged night. Immediately on knowing the ailment suffered by the petitioner, the 5th respondent took him to the hospital and that is how a reasonable person will react. Unfortunately, the husband of the petitioner died. As per the medical reports, Varadharajulu suffered an acute myocardial infarction, systolic hypertension and sudden cardiac arrest. The medical records show that the deceased had chest pain from 10 p.m. to 10.20 p.m. the 5th respondent gave the emergency bell at 1.30 hours. Since Varadharajulu had chest pain from 10.00 p.m., he himself could have availed permission and left the work place, informed his wife and then gone to any hospital of his choice. But he did not do that. The petitioner's husband was brought to the hospital only at 1.45 am, by which time



the golden hours seemed to have passed.

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8. The petitioner has regrets because the hospital to which her husband was taken did not have any modern facilities to give any emergency treatment to him. The grief and confusion suffered by the petitioner appears to have gone to the extent of imagining that the 5th respondent had played some trick in the death of Varadharajalu.

9. Since, the petitioner is residing at the quarters next to the fire station, the other firemen or staff who were at the work place could have very passed spontaneously the information about Varadharajalu's ailment, without waiting to get any permission from the 5th respondent, the Station Officer. The Station Officer can, at the best arrange to send Varadharajalu to hospital. In fact she even accompanied him to the hospital.

10. Mr.R.P.Murugan Raja, learned Government Advocate for respondents 1 to 4 submitted that an explanation has been called for from the 5th respondent, on the basis of the representation given by the petitioner. Without any strong materials to raise any suspicion against the 5th respondent and the medical records also clearly show the cause of the death of Varadharajalu, the petitioner cannot expect the replacement to initiate any disciplinary action against the 5th



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respondent. No such direction can also be given by the Court on the basis of the materials placed before the Court. Except to feel sorry for the unfortunate death of the petitioner's husband, no orders can be passed as prayed by the petitioner.

In the result, this Writ Petition is **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

11.01.2024

Index : Yes
Internet : Yes/No
jrs



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