IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

WA No. 2120 of 2023

K.Arunachalam

Appellant(s)

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, Chepauk,

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 600006.

6.The Director of Medical Education
Kilpauk, Chennai 600010.

7.The Dean
Rajiv Gandhi Government General
Hospital, Poonamallee High Road,
Chennai 600 003.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to allow the Writ Appeal by setting aside the order dated 10.01.2023 made in WP No.2325 of 2022.

For Appellant(s): Mr.R.Thirugnanam

G.Inbaraj

For Respondent(s): Mr.M.Bindran
Additional Government Pleader

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The writ order dated 10.01.2023 passed in W.P.No.2325 of 2022 is under challenge in the present Intra-Court Appeal. Writ petitioner is the appellant before this Court.

2. The claim of the appellant is to settle a sum of Rs.25 Lakh COVID-19 ex-gratia based on the announcement made by the Hon'ble Chief Minister of Tamil Nadu and followed by the Government order issued in G.O.Ms.No.403, Revenue and Disaster Management Department, Disaster Management Wing D.M.I(1) Section, dated 05.08.2020. The appellant is the husband of the deceased employee, who served as a Staff Nurse in the Government Hospital and died during COVID-19 Pandemic.

3. The learned counsel for the appellant would mainly contend that in view of G.O.Ms.No.403 dated 05.08.2020 ex-gratia amount of Rs.25 Lakh has not been settled in favour of the appellant, who is the husband of the deceased employee. The reason stated by the respondents is that the appellant had received a sum of Rs.50 Lakh under the Central Government Scheme. Therefore, he is not entitled to get ex-gratia amount of Rs.25 Lakh

from the State Government. It is contended that in two or three cases, both the benefits were granted to the victim and therefore, the appellant alone was discriminated.

4. The learned Special Government Pleader appearing on behalf of the respondents would oppose by stating that scheme for ex-gratia payment was announced by the Hon'ble Chief Minister of Tamil Nadu to the eligible persons. As per G.O.Ms.No.403 dated 05.08.2020, 28 families/legal heirs of Government Servants/Local body employees were identified specifically and a sum of Rs.25 Lakh as ex-gratia was paid to those 28 families. The Government order is confined to 28 families and therefore, the benefit need not be extended to other persons.

5. That apart, in the present case, the appellant had already received a sum of Rs.50 Lakh as ex-gratia under the Central Government Scheme. Once the ex-gratia for COVID-19 Pandemic death disbursed under the Central Government Scheme, the State Government Scheme will not be extended and therefore, the Writ Court has rightly dismissed the writ petition.

6. This Court is of the considered view that ex-gratia is a policy decision taken by the Government. The Government order issued in G.O.Ms.No.403 indicates that 28 family/legal heirs of Government servants/Local body employees engaged in frontline COVID-19 workers were identified and a sum of Rs.25 Lakh as ex-gratia had been settled to those victims. However, there is no general guidelines to grant ex-gratia of Rs.25 Lakh to other similarly placed employees or in respect of the employees, who have availed ex-gratia of Rs.50 Lakhs under the Central Government Scheme.

7. In the present case, it is not in dispute that the appellant received a sum of Rs.50 Lakhs under the Central Government Scheme. That apart, terminal benefits due to the deceased employee were also settled. The Writ Court has taken into consideration all these aspects and found that the power of judicial review cannot be expanded for the purpose of extending a policy decision of the Government in financial matters. In respect of financial matters, Courts are expected to exercise restraint and expansion of the scope would result in financial loss to the State Exchequer.

8. Regarding the arguments that few individuals have received benefits under both the schemes cannot be a ground to consider the case of the appellant herein. If at all any such payment made beyond the scope of the scheme, the said irregularity need not be extended to all other similarly placed persons. Thus, this Court does not find any infirmity in respect of the findings made by the Writ Court.

9. Accordingly, the Writ Appeal stands dismissed. No costs.

(S.M.SUBRAMANIAM J.)(P.DHANABAL J.)

21-11-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

Jeni

To

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