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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **10.01.2023**

CORAM

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN**

**W.P.No. 2325 of 2022**

K.Arunachalam

... Petitioner

**..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 – 600 006.
6. The Director of Medical Education  
Kilpauk, Chennai – 600 010.
7. The Dean  
Rajiv Gandhi Government General Hospital  
Poonamallee High Road, Chennai – 600 003. ... Respondents



**PRAYER:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the impugned order No.37249/T1/2021-1, dated 28.10.2021 passed by the first respondent and to quash the said impugned order and consequently directing the respondents to pay the sum of Rs.50,00,000/- to the petitioner.

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For Petitioner	:: Mr. R.Thirugnanam
For RR 1 to 4	:: M/s.P.Rajarajeswari Government Advocate
For RR 6 & 7	:: No appearance

### **ORDER**

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking a direction to call for the records of the impugned order No.37249/T1/2021-1, dated 28.10.2021 and passed by the first respondent / the Principal Secretary to Government, Health and Family Welfare Department, Chennai and to quash the same and consequently to direct the respondents to pay a sum of Rs.50,00,000/- to the petitioner.

**2.** The petitioner K.Arunachalam had benefited by payment of a sum of Rs.50,00,000/- under the Pradhan Mantri Garib Kalyan Package (PMGKP), Insurance Scheme for Health Workers Fighting



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Covid-19, consequent to the death of his wife K.Thangalakshmi, who was a staff Nurse and worked in Rajiv Gandhi Government General Hospital at Chennai. She had been posted for duty to render service for Covid-19 patients from 21.04.2020 to 25.04.2020 for a period of four days. She was infected with Covid-10 virus. She was admitted to the Rajiv Gandhi Government General Hospital on 03.05.2020. She was treated for five days. She was kept in quarantine for six days. She was then sanctioned unearned leave on medical sanctioned on 31.05.2020. She rejoined duty on 01.06.2020. She was again was infected with Covid-19 and was admitted in the same hospital on 08.06.2020. She unfortunately died on 14.06.2020 at 02.00 p.m.

**3.** The petitioner, after that started pursuing both the Central Government and the State Government seeking compensation for the death of his wife. As stated, under the PMGKP Insurance Scheme for Health Workers Fighting Covid-19, he had been paid a sum of Rs.50,00,000/-. There is no dispute raised about that particular fact. However, at that relevant point of time, the Chief Minister had also announced that the State Government would pay a sum of Rs.10,00,000/- and thereafter consequent to the fact that the Central Government had been paying a sum of Rs.50,00,000/-, also increased the compensation payable by the State government to Rs.50,00,000/-.



4. This has been interpreted by the learned counsel for the petitioner as stating that even if the compensation has already been paid by the Central Government under the PMGKP Insurance Scheme for Health Workers Fighting Covid-19, the petitioner is eligible for payment of another sum of Rs.50,00,000/- from the State Government. I do not agree with such interpretation.

5. The purport of the Chief Minister's announcement is only to equalise the compensation payable by the State Government to the same amount as that was promised by the Central Government. It was Rs.10,00,000/- by the State Government and that was increased to Rs.50,00,000/-. There was no intention that the sum of Rs.50,00,000/- which was the sum to be paid by the State Government was over and above the sum paid by the Central Government. A person can get that benefit of that scheme either under the Central Government or under the State Government scheme. He cannot seek a relief from both the Central Government and from the State Government Scheme. That would be making unlawful gain from unfortunate death. The petitioner must realise that Rs.50,00,000/- which he claims can be given to any other family which requires that benefit. He had received a sum of Rs.50,00,000/-. He should be satisfied service of his wife had been recognised by the authorities



and consequent to her death, her family had been given the benefit of Rs.50,00,000/-. He should not stand in the way of yet another family similarly benefiting from the State Government for such compensation of Rs.50,00,000/- and claim the amount for himself over and above again and again.

**6.** In the counter affidavit, it had been very clearly stated that quite apart from Rs.50,00,000/- which has been paid, all the other terminal benefits such as family benefit of Rs.3,00,000/-, DCRG of Rs.17,46,927/- and leave salary benefit of Rs.9,70,124 had been claimed and settled to the legal heirs. Additionally, the daughter Tmt.A.Krishnakumari had also been given an appointment as an Assistant in the Office of the National Health Mission, Tamil Nadu, Chennai, by an order dated 19.03.2021. It is stated in the counter affidavit that she has not joined in that office and has raised a claim that the said employment does not fall under State Government service and expressing grievance, has filed year another Writ Petition which is pending. Let me not enter into any discussion on the merits of that particular Writ Petition.



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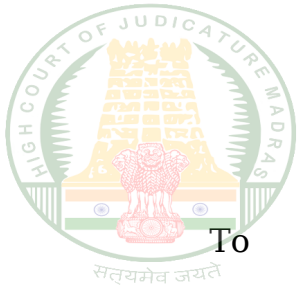
7. With respect to the claim in the present Writ Petition is concerned, I am afraid, I cannot accept the interpretation given by the learned counsel for the petitioner that the petitioner should be given a benefit of Rs.50,00,000/- by the Central Government and another Rs.50,00,000/- by the State Government. The purport of the scheme is that the benefit should be either from the Central Government or from the State Government. If the benefit has been rejected by the Central Government, then the State Government would extend its arms and embrace the petitioner and seek to be alleviate his grievances. The impugned order has been passed rejecting compensation of Rs.50,00,000/- by the State Government. The reasonings are correct and I uphold the order.

8. I find no ground to interfere with the said impugned order and hence, the Writ Petition stands dismissed. No costs.

9. The other petition filed seeking employment of the daughter in the State Government post would be independently considered whenever it is taken up for hearing.

10.01.2023

vsg  
Index: Yes/No  
Internet: Yes/No  
Speaking / Non Speaking Order



To

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VERDICTUM.IN



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**C.V.KARTHIKEYAN, J.,**

vsg

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