

WP(MD)No.15498 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.15498 of 2014

1.Jemima Arumaithai

2.Vijayalakshmi

: Petitioners

Vs.

1.The Secretary to Government,
Union Government of India,
Ministry of External Affairs,
New Delhi.

2.The Secretary to Government,
Union Government of India,
Ministry of Home Affairs,
New Delhi.

3.The Government of India,
Ministry of Overseas Indian Affairs (Emigration Division),
1022, Akbar Bhavan, Chanakayapuri,
New Delhi.

4.The High Commissioner,
Indian Embassy at Nigeria,
Abuja, Nigeria.



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5. The High Commissioner,
Embassy of Nigeria at New Delhi,
New Delhi.

6. The Secretary to Government,
Government of Tamil Nadu,
Home Department,
St. George Fort,
Chennai.

7. The Principal Secretary / Commissioner,
Commissionerate of Non-resident of
Tamils and Rehabilitation Center,
Chepauk, Chennai – 5.

8. The District Collector,
Tirunelveli District,
Tirunelveli.

9. The District Collector,
Erode District,
Erode.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to award compensation due to the death of petitioners' husband namely Paul David Dharmendran and Sivakumar in a road accident met at the Country of Nigeria in furtherance of the proceedings of the respondents 3 & 5 dated 21.07.2014 and 28.07.2014 within a stipulated time limit.



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For Petitioners : Mr.C.Venkatesh Kumar

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India
for R.1 to R.5

Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.6 to R.9

ORDER

The petitioners are young widows. They are having a similarity that both their husbands have gone to Nigeria for employment in a Private Company and died in an accident on 03.06.2013 while they were travelling in a car belonging to the Company bearing Reg.No.DY-794-APP. The petitioners, requesting for arranging the insurance amount for this accident, have repeatedly made representations to the respondents and have filed this writ petition for a mandamus directing the respondents to award compensation based on the proceedings of the respondents 3 & 5, dated 21.07.2014 and 28.07.2014, respectively.

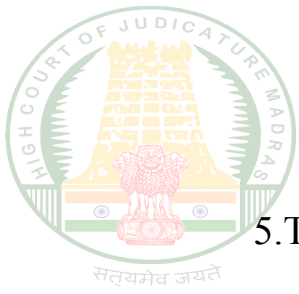


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WEB COP 2.In the proceedings dated 21.07.2014, the High Commission of Nigeria, New Delhi, India, has acknowledged the receipt of the petitioner's [Vijayalakshmi] application for compensation and further informed that the application was forwarded to the Company for necessary action.

3.In the proceedings dated 28.07.2014, the Ministry of Overseas Indian Affairs, Emigration Division, Government of India, has forwarded the petitioner's [Jemeema Arumaithai] application for compensation to the Indian Embassy at Abuja and further requested them to take necessary action.

4.This writ petition was entertained by this Court by ordering notice to the respondents on 18.09.2014. In response to this writ petition, the District Collectors, Tirunelveli and Erode have filed counter affidavits that the representations of the petitioners were forwarded to the Ministry of External Affairs and actions are being taken. The writ petition is pending for the past 11 years and the petitioners are not provided with any remedy till date.



5.The petitioners seek a mandamus as against the respondents in India.

Admittedly, the petitioners' husbands died in a car accident while they were working in a Private Company at Nigeria. The remedy for the petitioners is only as against the Private Company by filing necessary applications at Nigeria. However, these poor widows cannot pursue the litigations at Nigeria and therefore, there is a responsibility cast upon the Ministry of External Affairs and the Ministry of Overseas Indian Affairs to take appropriate action through the Embassy to redress the grievance of these petitioners.

6.In fact, the Ministry of Overseas Indian Affairs has issued a Compendium by entering into an agreement with certain countries for getting reliefs for the Indian Nationals who died abroad and certain procedures for filing compensation claims were also published. However, Nigeria is not in the list of the Compendium issued by the Ministry. Therefore, this Court is not in a position to issue any positive direction in this writ petition.

7.However, considering the fact that the petitioners have lost their husbands at a very young age and are fighting for the compensation, which



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they are legally entitled to from the Private Company at Nigeria, for the past

11 years and that the respondents 1 to 5 have also forwarded the petitioners' representations for necessary action, this writ petition is disposed of with a direction to the respondents 3 & 5 to pursue the claim of the petitioners with the Company, which employed the petitioners' husbands, to pay adequate compensation as per the Rules in Nigeria, within a period of six months from the date of receipt of a copy of this order.

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

20.10.2023

To

- 1.The Secretary to Government,
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St.George Fort, Chennai.
- 2.The Principal Secretary / Commissioner,
Commissionarate of Non-resident of
Tamils and Rehabilitation Center,
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3. The District Collector,
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Tirunelveli.

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