



W.A.(MD)No.1474 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1474 of 2014

and

M.P.(MD)No.1 of 2014

The District Collector,
Virudhunagar District,
@ Virudhunagar.

...Appellant

/Vs./

M.Madhumathi

...Respondent

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to set aside the order passed in W.P.(MD)No.8693 of 2014 dated 19.06.2014 on the file of this Court.

For Appellant	: Mr.T.Amjad Khan
	Government Advocate
For Respondent	: Ms.M.Padmavathy



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JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

Writ Petitioner is aggrieved with an order rejecting her prayer for compassionate appointment and challenged the same before the Writ Court. The reason for rejection of her request by the respondents had been her status as a married daughter of the deceased. The writ petition had come to be allowed on 19.06.2014, learned Judge, citing and relying upon an order passed in similar circumstances in W.P.(MD)No.18660 of 2013 dated 10.07.2013.

2. The learned Judge also records the fair concession of the then learned Government Advocate to the effect that the position canvassed by the State was that requests for compassionate appointment by married daughters would be considered favourably in light of the earlier decision of the Court in *G.Girija vs. Assistant Director (Panchyats) Kancheepuram District* (2008 (5) CTC 685).



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3. In that case, request for compassionate appointment had been made by a married daughter of the deceased, which request had been rejected on the ground of the marital status of that applicant. The writ petition filed by that applicant was allowed by this Court holding that there could not be any discrimination between sons and daughters in the matter of according compassionate appointment. Since married sons were granted compassionate appointment subject to satisfaction of other conditions and there was no hindrance posed by virtue of their marital status, the same position would be applicable in the case of daughters as well.

4. Thereafter, the State issued G.O.Ms.No.78, Labour and Employment (Q1) Department, dated 21.04.2017, where, in para 9.2, it is stated as follows:

“(9.2) இறந்த அரசு ஊழியரின் திருமணமான பெண் வாரிசுதாரர்களின் கருணை அடிப்படையிலான பணி நியமனக் கோரிக்கை மனு, உரிய முன்றாண்டு காலத்திற்குள் வழங்கப்பட்டு, நிராகரிக்கப்பட்டிருப்பின் அதன் மீது நீதிமன்றத்தில் வழக்கு தொடுத்து நிலுவையில் உள்ள இனங்களையும், அவ்வாறு நிராகரிக்கப்பட்டு, நீதிமன்றம் செல்லாமல் அரசு அலுவலகங்களில் மேல்முறையீடு நிலுவையில் இருக்கும் இனங்களையும் கருணை அடிப்படையிலான பணிநியமனத்திற்குரிய



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அனைத்து தகுதிகளையும் நிறைவு செய்யும்பட்சத்தில்
பணிநியமனம் வழங்க பரிசீலனை செய்யலாம்.”

5. Thus, the State has unambiguously accepted the position that marital status would not stand in the way of daughters seeking and being granted compassionate appointment if they were otherwise eligible.

6. In the present case, the appellant has infact been appointed to the post of Junior Assistant, Panchayat Union, Sivakasi, by the District Collector on 27.09.2017 referring to Clause 9.2 of G.O.Ms.No.78, Labour and Employment (Q1) Department, dated 21.04.2017. There is, however, a vague caveat to the effect that that appointment would be subject to the result of this writ appeal. There is no question of any such caveat in light of the stand of the State in Clause 9.2 of G.O.Ms.No.78, Labour and Employment (Q1) Department, dated 21.04.2017. Learned Government Advocate also does not very seriously pursue that position before us now.



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7. This Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [R.V.J.]
26.07.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
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TO:

- 1.The Agricultural Production Commissioner
and Principal Secretary,
Secretariat, St.George Fort,
Chennai – 600 009.
- 2.The Chief Engineer (Agricultural Engineering),
487, Annasalai, Nandanam,
Chennai – 35.
- 3.The Chairman,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai – 600 003.



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AND
R.VIJAYAKUMAR, J.

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