



W.A.No.833 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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S.Girish Kumar

... Appellant

-Vs-

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
Panagal Maligai,
Saidapet,
Chennai - 600 015.
3. The Divisional Forest Officer,
Vellore Division,
Vellore District.

... Respondents

PRAYER : Appeal under Clause XV of the Letters Patent, against the order dated 21.11.2022 made in W.P.No.27001 of 2018.

For Appellant : Ms.T.Dharani

For Respondents : Mr.C.Selvaraj
Additional Government Pleader



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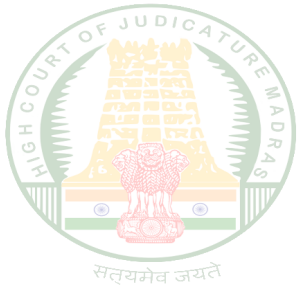
J U D G M E N T

WEB COPY (Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 21.11.2022 made in W.P.No.27001 of 2018.

2. That the appellant viz., Girish Kumar was the writ petitioner, whose father one Subramani was working as a Forest Guard died in harness on 16.12.2014. Therefore, seeking compassionate appointment, the appellant / petitioner made an application in time which was rejected through the order dated 19.03.2018 passed by the third respondent. Challenging the same, the said writ petition has been filed.

3. The writ Court having considered the point that, if any member of the deceased employee's family has already been working in any Government or Private Organisation on permanent basis and he or she supports the family of the deceased, then no compassionate appointment need to be given to any other family members of the deceased employee. This mainly influenced the mind of the Court, where the writ Court has rejected the writ petition through the impugned order.



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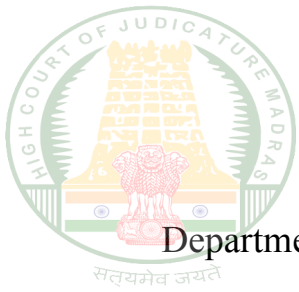
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4. Assailing the said order, the present appeal has been directed at the instance of the appellant / job seeker.

5. Heard Ms.T.Dharani, learned counsel appearing for the appellant and Mr.C.Selvaraj, learned Additional Government Pleader appearing for the respondents.

6. We have perused the order impugned dated 19.03.2018 passed by the third respondent which was impugned before the writ Court, where the reason stated by the respondents is that, as per G.O.(Ms)No.40, Labour and Employment Department dated 05.01.1990, the guidelines have been given, under which, if already any person working in any Government or other Organisation on permanent basis, then the request of the compassionate appointment sought for by any other legal heirs of the deceased employee need not be considered and any such compassionate appointment need not be given. That was only the reason cited in the order dated 19.03.2018.

7. However the learned counsel appearing for the appellant has brought to our notice that subsequent to G.O.(MS)No.40, Labour and Employment



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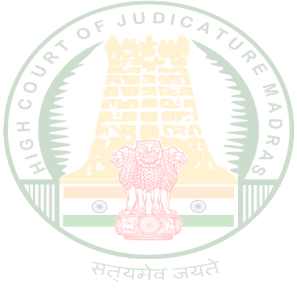
Department dated 05.01.1990, G.O.(Ms)No.155, Labour and Employment

Department was issued on 16.07.1993, where *inter alia* the following has been stated:

"3. In regard to the second condition mentioned in para 1 above, it is considered that if a member of the family is already on employment and supports the family then the restriction may be applied. When a dependent of the family is employed, the factors to be ascertained are, whether he is regularly employed and is actually supporting the family. If that person was employed even before the death of the Government Servant and was living separately without extending any help to the family, then the case of other eligible dependants will be considered."

8. Relying heavily on this paragraph of G.O.(Ms)No.155, the learned counsel would contend that, if any person was employed even before the death of the Government Servant and was living separately without extending any help to the family, then the case of other eligible dependants will be considered.

9. In this context, it is further brought to our notice that, on 19.02.2016, the Tahsildar concerned has given a certification stating that the family of the deceased employee is in indigent circumstances. The relevant portion of the certification issued by the Tahsildar reads thus:

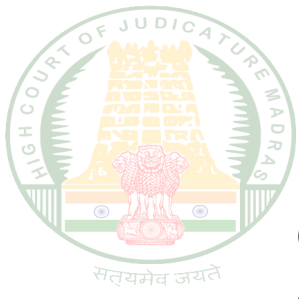


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"3. இறந்த அரசு ஊழியரான காலம்சென்ற அரசு ஊழியரான சுப்பிரமணி த/பெ.முனிசாமி என்பவரின் குடும்பத்தில் காலம்சென்ற சுப்பிரமணி என்பவரின் மூத்த மகள் செல்வி.சரிதா என்பவர் ஊனமுற்றவர் கோட்டாவில் தமிழ்நாடு அரசு மின்வாரியத்தில் Technical Assistant ஆக பணிபுரிந்து வருகிறார். இவர் பணி கிடைத்த பிறகு குடும்பத்துடன் இல்லாமல் தனியாக வசித்து வருகிறார். இவர் ஊனமுற்றோர் என்பதில் அவருடைய ஊதியம் அவரின் மருத்துவ செலவிற்கு பயன்படுத்தி கொள்கிறார். குடும்பத்தினை கவனிக்காமல் உள்ளனர். மேலும் அரசு கடித எண்.Tamil Nadu Electricity Board Memorandum No.105302/R3(2)1564/94-1 Admin Branch Date 14.11.1994 Adoption of Govt Orders ன் படி அரசு பணியில் உள்ள நபர் குடும்பத்தை சரிவர கவணிக்கவில்லை எனில் அடுத்து வாரிகதார்களில் ஒருவருக்கு அரசு பணி வழங்க பரிசீலிக்கலாம் என தெரிவிக்கப்பட்டுள்ளது. அதன் படி மனுதாரர் தனது மகள் செல்வி என்பவர் குடும்பத்தினருக்கு உதவி ஏதும் செய்யலாமல் உள்ளனர் என்றும் அதன் படி காலம் சென்ற அரசு ஊழியரான சுப்பிரமணி குடும்பத்தில் ஊனமுற்றோர் மகளான செல்வி.சரிதா என்பவர் தவிர வேறு யாரும் அரசு மற்றும் தனியார் துறையில் பணிபுரியவில்லை.

4. காலம்சென்ற அரசு ஊழியரான சுப்பிரமணி த/பெ.முனிசாமி இறந்த பிறகு அவரது மனைவி திருமதி.ராதாம்மாள் என்பவர் மறுமனம்



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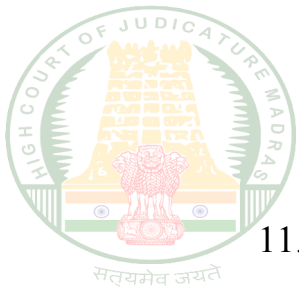
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செய்துக்கொள்ளவில்லை விதவையாக வாழ்ந்து
வருகிறார்.

5. காலம்சென்ற அரசு ஊழியரான சுப்பிரமணி
த/பெ.முனிசாமி குடும்பம் வறுமை நிலையில்
உள்ளது.

6. காலம்சென்ற அரசு ஊழியரான சுப்பிரமணி
த/பெ.முனிசாமி என்பவரின் குடும்பத்தினருக்கு
நிலத்தின் மூலம் ஆண்டுக்கு ரூ.24,000/-
கிடைக்கிறது. மேலும் காலம்சென்ற அரசு ஊழியரான
சுப்பிரமணி த/பெ.முனிசாமி என்பவர் 2004ம் ஆண்டு
பிறகு பணியில் சேர்ந்துள்ளதால் இவருக்கு புதிய
ஓய்வூதிய திட்டத்தின் படி ஓய்வூதியம் ஏதும்
வழங்கப்படவில்லை."

10. If the condition imposed in G.O.(Ms)No.155 is applied to the case of the deceased employee's family, i.e., appellant's family who is the son of the deceased employee, the sister of the appellant being a differently abled person, on that quota even though she got a permanent job from TANGEDCO, the salary that she had earned is being utilised for her expenses alone and she is not supporting the family of the deceased i.e., appellant's family and this has been specifically stated by the Tahsildar in the certification dated 19.02.2016 which we have extracted herein above. In paragraph No.5 of the certification dated 19.02.2016, the Tahsildar has further stated that still the family is in indigent circumstances.



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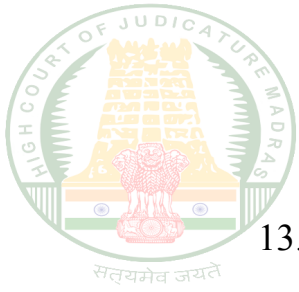
11. This aspect has not been considered by the respondents while

rejecting the plea of the appellant through the order dated 19.03.2018.

12. Therefore, we do feel that, the order passed by the writ Court without considering these aspects in proper perspective by rejecting the writ petition may be erroneous one, hence it requires interference at our hands. Resultantly, the following orders are passed in this writ appeal:

(i) that the impugned order is set aside. As a sequel, the order impugned before the writ Court dated 19.03.2018 is also set aside and the matter is remitted back to the respondents for reconsideration.

(ii) While reconsidering the same, the certificate issued by the Tahsildar dated 19.02.2016 and any other certificates / documents which are necessary for considering the indigent circumstances of the family of the appellant / petitioner can be verified and by applying the condition imposed under Clause (3) of G.O.(Ms)No.155, Labour and Employment Department dated 16.07.1993, the application submitted by the appellant / petitioner shall be considered objectively and a decision thereon to be made on merits and in accordance with law within a period of three months from the date of receipt of a copy of this judgment.



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13. With these directions, this Writ Appeal is disposed of accordingly.

WEB COPY However, there shall be no order as to costs.

(R.S.K., J.) (A.D.M.C., J.)
19.03.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The Secretary to Government,
The Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
Panagal Maligai,
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**R.SURESH KUMAR, J.
and
A.D.MARIA CLETE, J.**

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