

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.31083 of 2014
and M.P.No.1 of 2014

B.Subha

... Petitioner

Vs.

1.Tamil Nadu Civil Supplies Corporation
Rep by its General Manager [Admn.]
No.12, Thambusamy Road
Kilpauk, Chennai 600 010.

2.The Regional Manager
Tamil Nadu Civil Supplies Corporation
4/25 Madras Highways
Krishnagiri.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for records relating to the 1st respondent by his Proceedings Na.Ka.No.AE9/67311/2014 dated 08.10.2014 and quash the same and consequently direct the respondents to appoint the petitioner on compassionate ground in any one of the suitable post in Tamil Nadu Civil Supplies Corporation.

For Petitioner : Mr.V.Karthikeyan

For Respondent : Mr.L.P.Shanmugasundaram, Spl.G.P.

O R D E R

The application submitted by the petitioner for compassionate appointment was rejected for the simple reason that she being a married woman is not eligible for such appointment.

2. The petitioner is the daughter of Thiru.K.Baliah, who was employed as Packer and Godown Keeper by the Tamilnadu Civil Supplies Corporation. The father of the petitioner died in harness on 06.06.2006. Initially, the mother of the petitioner made an application for compassionate appointment. The application was

rejected on the ground that she has already completed 50 years of age and as such, it is not possible to give her compassionate appointment.

3. The petitioner thereafter, submitted an application on 25.08.2014 requesting to give her compassionate appointment. The petitioner in the said application narrated her family position and demonstrated that she is in indigent circumstances, making her eligible for compassionate appointment. The application was rejected on the ground that being a married woman, she cannot be given appointment on compassionate basis. The said order is under challenge in this writ petition.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel on behalf of the respondents.

5. The issue raised by the petitioner as to whether a married woman can be considered for compassionate appointment is no longer res integra, in view of the earlier decisions of this Court reported in 2008 (5) CTC 686 [G.Giriya v. The Assistant Director (Panchayats), Kancheepuram and the order dated 23.04.2013 in W.P. (MD)No.6763 of 2013 [A.Chitra v. The District Collector, Ramanathapuram]. This Court has held that, the fact that the legal representative has already been married cannot be a reason to deny appointment on compassionate basis. In view of the earlier decisions of this Court, I am of the view that the petitioner must succeed.

6. In the result, the impugned order dated 08.10.2014 is set aside and the matter is remitted to the first respondent for fresh consideration. The first respondent is directed to consider the application for compassionate appointment independently and on merits without reference to the factum of marriage of the petitioner. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. In the upshot, I allow the writ petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

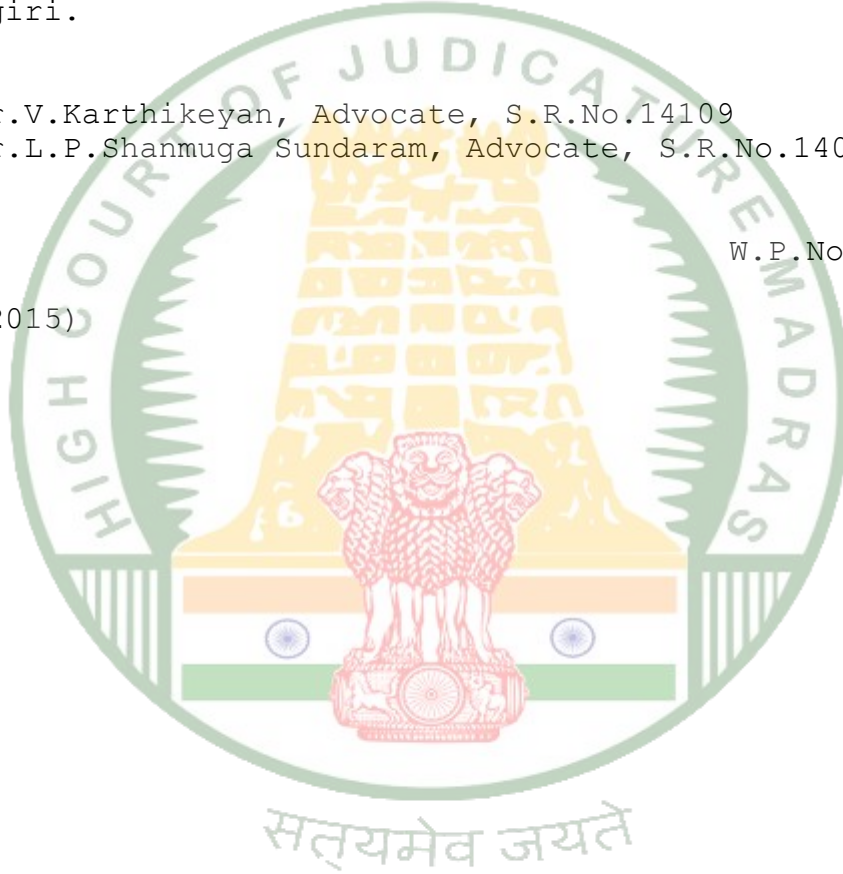
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+1cc to Mr.V.Karthikeyan, Advocate, S.R.No.14109
+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.14067

W.P.No.31083 of 2014

KK(CO)
CA(20/03/2015)



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