

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.637 of 2015

T.Sathiyavathi .. Petitioner

-vs-

1.Mr.A.Karuppasamy,
The Joint Director of School Education (Personnel),
DPI Campus,
Chennai - 600 006.

2.Mr.K.Ramalingam,
The District Educational Officer,
Salem District,
Salem. .. Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for their act of willful disobedience to the order passed by this Court in W.P.No.26171 of 2009, dated 03.07.2014.

For Petitioner : Mr.M.Rajendiran

For Respondents: Mr.A.Kumar, Spl.G.P.

ORDER

Writ Petition No.26171 of 2009 was allowed by this Court on 03.07.2014 giving a direction to the respondents 1 and 2 to consider the claim of the petitioner for providing suitable employment on compassionate ground. Complaining violation of this order, this contempt petition has been filed.

2. Learned counsel for the petitioner, by relying upon the order passed by this Court in **Mohanambal v. the Director and others (2011 (1) CTC 349)**, submitted that once

the writ petition is allowed overruling the objection raised by the respondent, the said order cannot be again reviewed. He further submitted that in the present case, the petitioner was spinster at the time of submitting her application for appointment on compassionate ground. Subsequently, during the pendency of the petition, she got married. Therefore, the respondent cannot take a new stand today, when this Court had already directed the respondents 1 and 2 to provide appointment on compassionate ground. With these submissions, he sought for a direction of this Court to implement the above said order.

3. Per contra, learned Special Government Pleader appearing for the respondents, by filing a detailed reply affidavit, submitted that the husband of the petitioner one Mr.A.Sivakumar is working in Judicial Magistrate Court, Attur, and he is earning Rs.15,000/- per month. In addition to that, the petitioner's brother is also working in a Private Company called OPAL. Therefore, there is no indigent circumstances involved in giving appointment on compassionate ground to the petitioner. To support this contention, he has also relied upon a judgment of the Hon'ble Apex Court in **Umesh Kumar Nagpal v. State of Haryana and others (1994 (4) SCC 138)**, wherein it is held that as a Rule in public service, appointment should be made strictly on the basis of open invitation and merit and that the appointment on compassionate ground is not another

source of recruitment taking into consideration the fact of the death of the employee while in service. Therefore, since petitioner got married with one Mr.Sivkumar, who is also working in Judicial Magistrate Court as stated above and her brother is also working in IT Company, now she cannot give a new meaning to the appointment on compassionate ground, as it is exclusively meant for persons facing indigent circumstances.

4. I fully agree with the above said argument of the learned Special Government Pleader for the respondents, for, as stated above, the petitioner's husband has been working in Judicial Magistrate Court, Attur, and is presently earning a sum of Rs.15,000/- per month, therefore, this Court, finding that there is no indigent circumstances involved in the petitioner's family, is not inclined to entertain the contempt petition. Accordingly, this contempt petition is dismissed.

rkm

SD/
DEPUTY REGISTRAR (CLAA)
//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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