

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.25428 of 2015

E.Jansi Rani

.. Petitioner

vs

1.The Corporation Commissioner

Chennai Corporation
Ripon Building, Chennai

2.The Regional Officer - 8,

Chennai Corporation
Region -8,
No.36-B, Bulla Avenue
Shenoy Nagar, Chennai

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order of the second respondent passed in M.A.8/Na.Ka.No.C2/3262/2014 dated 21.8.2014, and quashing the same and consequently, directing the respondents to provide suitable appointment on compassionate ground.

For Petitioner : Ms.S.T.P.Kuilmozhi

For Respondents : Mr.S.Saravanan

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that her mother viz. Dhanalakshmi, was working as a Sweeper in the Regional Office No.8, Corporation of Chennai, Shenoy Nagar, and died in harness on 13.2.2013, leaving behind her daughter viz. the petitioner, her husband viz. G.Narayanadoss, and her two sons viz. Tvl.N.Yuvaraj and N.Mariyaraj. She would further state that at the time of demise of her mother, all of them got married and her brothers are staying separately along with their respective families and the petitioner along with her husband and children are living with their parents and further that her husband is unemployed so far and the family of the petitioner was also maintained by her mother out of her income from salary.

3. It is further stated by the petitioner that she sought for appointment on compassionate ground and her elder brothers did not object and have also given No Objection Certificates and

according to her, she belongs to Scheduled Caste Community and has also passed B.A. Economics as well as the Technical Examination in English Typewriting (Senior Grade) and accordingly, submitted an application seeking appointment on compassionate ground, and vide impugned order dated 21.8.2014, the second respondent has rejected the same on the ground that the petitioner is already married and challenging the legality of the order, she came forward to file this writ petition.

4.Ms.S.T.P.Kuilmozhi, learned Counsel appearing for the petitioner, has drawn the attention of this Court to G.O.Ms.No.96, Labour and Employment (Q.1) Department, dated 18.6.2012, and would submit that even as per the said G.O., the married persons are entitled to be considered for appointment on compassionate ground, provided that after getting the job, they should file an affidavit of undertaking to the effect that they will continue to maintain and look after the parents, and also placed reliance upon the judgment of this Court reported in (2014) 8 MLJ 268 (P.R.RENUKA V. DIRECTOR OF ANIMAL HUSBANDRY AND OTHERS), and prays for interference.

5.Mr.S.Saravanan, learned Standing Counsel appearing for the respondents, on instructions, would submit that since the petitioner is already married, in the event of she being given appointment on compassionate ground, she may not maintain her parents and taking into consideration of the said fact only, the impugned order of rejection came to be passed and prays for dismissal of this writ petition.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.As rightly contended by the learned Counsel appearing for the petitioner, even as per G.O.Ms.No.96, Labour and Employment (Q.1) Department, dated 18.6.2012, there is no bar prohibiting the married persons from getting employment on compassionate ground, and the only rider is that he or she shall execute an affidavit of undertaking stating that he or she will maintain the family after getting the job on that ground.

8.The petitioner has also filed an additional affidavit dated 15.9.2015, stating among other things, that in the event of she being given appointment on compassionate ground, she is ready and willing to support her family members.

9.This Court, in the light of the above facts and circumstances, is of the considered view that the impugned order warrants interference.

10.In the result, the writ petition is partly allowed and the impugned order dated 21.8.2014, passed by the second respondent, is set aside and the matter is once again remanded to the second respondent, who shall process the application submitted by the petitioner, seeking appointment on compassionate ground, in accordance with the relevant Rules and Regulations, after affording an opportunity of personal hearing to the petitioner, and pass orders thereon on merits and in accordance with law, within a period of

eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

- 1.The Corporation Commissioner
Chennai Corporation
Ripon Building, Chennai
- 2.The Regional Officer - 8,
Chennai Corporation
Region -8,
No.36-B, Bulla Avenue
Shenoy Nagar, Chennai

+1 cc to Mrs.S.T.P.Kuilmozhi, Advocate, sr.52474
+1 cc to Mr.S.Saravanan, Advocate, sr.52355

nsv

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W.P.No.25428 of 2015

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