



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.07.2015

C O R A M

WEB COPY

THE HONOURABLE MR. JUSTICE S.VAIDYANATHANWrit Petition (MD) No.10583 of 2010

S.Amuthavalli

... Petitioner

Vs

1.The Director of Panchayats,
Kuralagam, Chennai-18.2.The Commissioner,
Ottanchathiram Municipality,
Ottanchathiram, Dindigul District.3.The Assistant Director of Panchayats,
Dindigul Division,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 29.05.2004 and issue the appointment order under the compassionate ground to the petitioner's son.

For Petitioner

... Mr.H.Velavadas

For Respondents

... Mr.K.P.Krishnadoss
for R.1 and R.3: Mr.P.Srinivas
for R.2O R D E R

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 29.05.2004 and issue the appointment order under the compassionate ground to the petitioner's son.

2.Heard the learned Counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 and 3 and the learned Counsel for the second respondent.



3.The petitioner has come forward with the aforesaid prayer. The case of the petitioner is that the petitioner's husband died on 30.04.2003 and the petitioner has made an application on 29.05.2004 before the respondents. The case of the petitioner for compassionate appointment was considered and on 26.03.2007, a sweeper post was given. The petitioner has not joined in the said post. On 05.04.2007, the petitioner has made a representation before the respondents stating that the request of the petitioner may be considered for giving appointment to her son.

4.The petitioner stated that there are vacancies of Junior Assistant in the Town Panchayat and petitioner's son got qualified and hence, the request of the petitioner to give compassionate appointment to the petitioner's son may be considered. It is further submitted that the petitioner has also made another representation on 23.02.2011.

5.The petitioner's request for compassionate appointment was considered and the post of sweeper was given as early as in the year 2007. Without joining the post, thereafter making representations or allegations against the respondents by the petitioner is not correct. Now-a-days, getting employment is very difficult, more particularly, in the Government Departments. Irrespective of post held by the deceased, the compassionate appointment can be given in Clause-III or Clause IV post, depending upon the availability of the posts and qualification. The case of the petitioner was considered and she was given a post of sweeper. If the petitioner feels that it is below her dignity to join the post, the petitioner cannot expect the Government to keep one post of her choice ready to provide employment to the petitioner, after obtaining qualification. Since the petitioner's case has been considered and that the Government has no objection for the respondents to appoint the petitioner in the post of sweeper, subject to the availability and even though, the same was allowed as early as in the year 2007, the petitioner would be entitled to get wages only on and from the date of joining the post. It is open to the petitioner to give her willingness to join in the post of sweeper within a period of 30 days from the date of receipt of a copy of this order, failing which, the offer given by the Government stands automatically cancelled. It is also made clear that if the post of sweeper is not available now, the petitioner shall be accommodated in some other post in Clause III or Clause IV and thereafter posted in sweeper post.

6.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/



To

- 1.The Director of Panchayats,
Kuralagam, Chennai-18.

WEB COPY

- 2.The Commissioner,
Ottanchathiram Municipality,
Ottanchathiram, Dindigul District.
- 3.The Assistant Director of Panchayats,
Dindigul Division,
Dindigul District.

+One cc to M/s.P.Srinivas, Advocate, SR.No.36692

+One cc to M/s.H.Velavadhas, Advocate, SR.No.36273

+one cc The Special Governmet Pleader, SR.No.36386

ssl

SM/RT(Bills):7c - 24/7/2015

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