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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

Writ Petition (MD) No.2513 of 2015

and

M.P. (MD) No.1 of 2015

S. Ananthi

... Petitioner

Vs.

The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order of the respondent in Na.ka.No.A1/42448/2010 on 06.07.2010 and quash the same and further direct the respondent to provide the petitioner's employment on compassionate ground and pass such other and further orders as this Court may deem fit to the facts and circumstances of the case and thus render justice.

For Petitioner

: Mr.H.Arumugam

For Respondent

: Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.D.Muruganandam, learned counsel who takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner is aggrieved against the order of the respondent dated 06.07.2010 wherein and whereby her request for compassionate appointment was rejected solely on the reason that the petitioner is a married daughter of the deceased employee. Though the impugned order came to be issued on 06.07.2010, the petitioner has filed the present writ petition only now and the delay in approaching the Court has been explained in the affidavit filed in support of the writ petition more particularly at paragraphs 9 to 11 stating that immediately after passing the impugned order, she has approached an Advocate by name Mr.Srinivasagam at Ambasamudram to file a writ petition challenging the said order and however, she was not informed about the status of the case. She further stated that during the month of September 2014, she came to know that the said Advocate has passed away and thereafter, she approached the office of the said Advocate and found out that the writ petition was not filed. Consequently, she was informed by the Advocate Clerk of the deceased Advocate on 07.01.2015 that some papers relating to her case were found during white washing of the office. Consequently, after obtaining the papers, she filed the present writ petition Considering the above averments, this Court is of the view



that the petitioner has reasonably explained the delay in approaching this Court.

3. On merits, it is not in dispute that the issue involved in this case is squarely covered in various decisions rendered earlier in favour of the petitioner. It has been held therein that marriage is not a disqualification for seeking compassionate appointment for the daughter of the deceased employee. Recently, this Court holding so allowed W.P. (MD) No. 180 of 2015 dated 19.01.2015.

4. Considering all the above stated facts and circumstances and following the earlier decision of this Court, the writ petition is allowed and the impugned order is set aside. Consequently, the respondent is directed to consider the claim of the petitioner seeking for compassionate appointment and pass appropriate orders on the same, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P. (MD) No. 1 of 2015 is closed.

Sd/-

Assistant Registrar (CO)

/TRUE COPY/

Sub Assistant Registrar

To

The District Collector,
Tirunelveli District,
Tirunelveli.

+1cc to Mr. H. Arumugam, Advocate, SR.No. 9104

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and
M.P. (MD) No. 1 of 2015
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sms

PA/02.03.15/2P/3C (IT)