

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.A.No.1787 of 2015
and
M.P.No.1 of 2015

The Commissioner,
The Pallipalayam Municipality,
Pallipalayam, Tiruchengode Taluk,
Namakkal District. ... Appellant

Vs.

1.A.Vimala

2.The Secretary to Government,
Labour and Employment Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 9.

3.The District Collector,
Namakkal District, Namakkal. ... Respondents

Appeal filed under Clause 15 of the Letter of Patents Act
against the order dated 09.07.2015 in W.P.No.20437 of 2015.

Writ Petition filed under Article 226 of the Constitution of India praying to the issuance of Calling for relevant records of impugned Government Order in G.O. (Ms.) No.96 dated 18.06.2012 (Labour and Employment (Q1) Department) issued by 1st respondent and consequential rejection order dated 20.03.2013 by the proceedings on the file of the 3rd respondent in Na.Ka.No. 902/2012/A1 and to quash the same as unconstitutional and illegal with a consequential direction to the respondents herein to provide employment to the petitioner as Sanitary Worker (Sweeper) in the 3rd respondent Municipality under Compassionate Ground after considering her representation dated 08.12.2014.

For Appellant .. Mr.M.Balakrishnan
For Respondents .. Mr.C.E.Pratap for R1
Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R2 & R3

JUDGMENT

(delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ appeal is taken up for final disposal.

2.The instant intra-court appeal arises from the order dated 09 July 2015 in W.P.No.20437 of 2015, whereunder, the appellant herein was directed to consider the application of the first respondent herein, being married daughter for appointment on compassionate ground. The appellant was directed to provide compassionate appointment within a period of eight weeks from the date of receipt of the said order.

3.Learned counsel appearing for the appellant fairly submits that in view of the subsequent judicial pronouncements, whereunder, it has been held that the married daughter is entitled to consideration subject to production of undertaking to the effect that the married daughter as well as her husband will take care of the dependent members of the deceased employee, the appellant will consider the application of the writ petitioner/first respondent herein on its own merits. It is further submitted that as per G.O.Ms.No.155 Labour and Employment Department dated 17 July 1993, the applicant, who claims compassionate appointment, is also liable to submit an indigency certificate duly issued by the jurisdictional Tahsildar. Thus the first respondent/writ petitioner be directed to submit the indigency certificate along with the undertaking as aforestated to consider her case for compassionate appointment.

4.Mr.C.E.Pratap, learned counsel appearing for the first respondent/writ petitioner fairly submits that the first respondent will file all the necessary undertaking as aforestated as well as the indigency certificate issued by the jurisdictional Tahsildar, within a period of four weeks.

5.On receipt of the application as well as relevant documents, the appellant shall consider the same and pass appropriate orders within a period of four weeks thereafter.

6.With the aforestated observation and direction, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Labour and Employment Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 9.

2.The District Collector,
Namakkal District, Namakkal.

+1cc to Mr.m.Balakrishnan, Advocate, S.R.No.17324

+1cc to Mr.C.E.Pratap, Advocate, S.R.No.17309

W.A.No.1787 of 2015

kgk (CO)
srg (30/03/2016)

सत्यमेव जयते

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