

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.15978 of 2014
and
W.M.P.No.16873 of 2016

R.Bhuvaneswari

[Petitioner]

Vs.

1.The Director General of Police,
Office of the Director General of Police,
No.1, Dr.Radhakrishnan Salai, Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
District Police Office,
Pudukottai District.

[Respondents]

Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent passed in the proceeding issued in R.C.No.182187/CA2/2013 dated 03.04.2014 and quash the same and directing the respondents to consider the claim of the petitioner and provide any suitable post to the petitioner on compassionate ground.

For Petitioner : Mr.S.J.Muthiah for
Mr.K.C.Maniyarasu

For Respondents : Mr.R.M.Muthukumar,
Government Advocate

O R D E R

This writ petition has been filed to quash the order of the first respondent passed in the proceeding issued in R.C.No.182187/CA2/ 2013 dated 03.04.2014 and direct the respondents to consider the claim of the petitioner and provide any suitable post to the petitioner on compassionate ground.

2.It is stated by the petitioner in the affidavit filed in support of this writ petition that she completed her SSLC and Higher Secondary Courses in the years 2009 and 2011 respectively and she now completed B.Sc.(Computer Science). Her father served as Police Constable in the Police Department from 01.08.1984 and he died on 11.11.2007 while he was in service. He died at the age of 49, leaving behind the petitioner, her mother and brother. At the time of the death of the petitioner's father, the petitioner was studying 9th Standard and hence no due application for compassionate appointment was able to be given. On 30.09.2009, the petitioner sent an application to the second respondent seeking compassionate appointment, for which no reply was received. The first respondent sent a memorandum dated 21.09.2010 to the second respondent for which a copy was marked to the petitioner, in which it is stated that the Superintendent of Police, Pudukottai District was requested to send a full-fledged proposal along with all required certificates and documents, as to whether the petitioner was entitled for compassionate appointment. Since no reply was received even after 3 years from the authorities, the petitioner's mother made an application on 22.07.2013 to the first respondent on behalf of the petitioner, for which a reply has been received from the first respondent dated 19.08.2013 stating that since the petitioner did not complete 16 years at the time of submission of her first application seeking compassionate appointment, her request could not be considered. The petitioner has also obtained an order from this Court, by which, the order dated 19.08.2013 of the first respondent was quashed and a direction was given to the authorities to consider the representation of the mother of the petitioner dated 22.07.2013 afresh on merits, within eight weeks, pursuant to which the impugned order has been passed by the first respondent.

3.Challenging the said order dated 22.07.2013, the petitioner is before this Court.

4.Heard both the sides.

5.It is seen that the application filed by the petitioner was rejected on the sole ground that the petitioner was minor at the relevant point of time, which issue had already covered by this Court in J.Jebamary v. The Chairman, Tamil Nadu Electricity Board, reported in 2011 (3) LLN 405 (Mad), and subsequently it was followed by a Division Bench of this Court in the decision in P.Sathiarman v. The Secretary to Government, The Chief Engineer and the Superintending Engineer, reported in (2013) 8 MLJ 190. I also followed the above judgments and passed an order in W.P.(MD)No. 15658 of 2012 on 04.04.2014, wherein the petitioner therein was directed to produce a certificate from the competent authority to the effect that his family is in

indigent circumstance, within four weeks and submit the same to the authority and on receipt of the same, the authority was directed to pass order, appoint the petitioner therein in any suitable post.

6.In view of the above, this writ petition is allowed and the impugned order of the first respondent in R.C.No.182187/CA2/2013 dated 03.04.2014 is quashed and the respondents herein are directed to consider the claim of the petitioner in the light of the judgments cited supra, and pass appropriate orders, with regard to the appointment of the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

KM

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director General of Police,
Office of the Director General of Police,
No.1, Dr.Radhakrishnan Salai, Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
District Police Office,
Pudukottai District.

+ 1 cc to Mr.K.C.Maniyarasu, Advocate Sr 33478
+ 1 cc to the Govt.Pleader, Sr 33669

KR/1/7/16

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