

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P. No.27332 of 2013

B.Revathy

.. Petitioner

Vs

1.The Managing Director,  
Tamil Nadu Civil Supplies Corporation (TNCSC)  
Chennai North Region,  
Chennai.

2.The Senior Regional Manager  
Tamil Nadu Civil Supplies Corporation  
Chennai (North) Region  
No.9, Conron Smith Road,  
Gopalapuram, Chennai-86.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the 2nd respondent pertaining to his orders which is made in Na.Ka.No.A8/15017/2010 dated 18.03.2011 and quash the same consequent to direct the respondents to appoint the petitioner on compassionate grounds on considering her educational qualifications and pass such further or other orders.

For Petitioner : Mr.D.Babu.

For respondents : Mr.L.P.Shanmugasundaran  
Spl.GP for R1 & R2.

ORDER

The petitioner claim for appointment on compassionate ground was rejected by an order dated 18.03.2011, on the ground that she is a married woman.

2.Heard Mr.D.Babu, learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents.

3.The issue is as to whether a married woman is disqualified from being appointed on compassionate ground has

come up before this Court in various writ petitions and it has been held that such rejection is illegal and invalid.

4.The learned counsel for the petitioner in support of his contention relied upon two such unreported orders of this Court made in (i) WP.No.31083 of 2014 dated 12.03.2015 [B.Subha v. The Tamil Nadu Civil Supplies Corporation, Chennai and another] and (ii)WP.No.22171 of 2013 dated 13.08.2013 [Jayalakshmi v. Tamil Nadu Generation and Distribution Corporation Ltd., and another]. The paragraph 5 of the order made in WP.No.31083 of 2014 is extracted hereunder :-

"5.The issue raised by the petitioner as to whether a married woman can be considered for compassionate appointment is no longer res integra, in view of the earlier decisions of this Court reported in 2008 (5) CTC 686 [G.Girija v. The Assistant Director (panchayats), Kancheepuram and the order dated 23.04.2013 in WP.(MD).No.6763 of 2013 (A.Chitra V. The District Collector, Ramanathapuram)]. This Court has held that, the fact that the legal representative has already been married cannot be a reason to deny appointment on compassionate basis. In view of the earlier decisions of this Court, I am of the view that the petitioner must succeed."

5.I am of the view that the facts of the above cases are squarely applicable to the facts of the petitioner's case. Hence, the petitioner is entitled for the same relief sought for in that writ petition. It is pertinent to mention herein that in the above order in WP.No.31083 of 2014, the same Corporation was the respondent therein. In the light of the above observation, it is made clear that the petitioner's status as a married person will not stand in the way of the respondents offering compassionate appointment.

6.In the result, the writ petition is allowed by setting aside the impugned order dated 18.03.2011 passed by the second respondent and the matter is remitted back to the first respondent for fresh consideration, in the light of the above observations. Such exercise shall be completed within a period of eight weeks from the date of this order. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

tsh

To

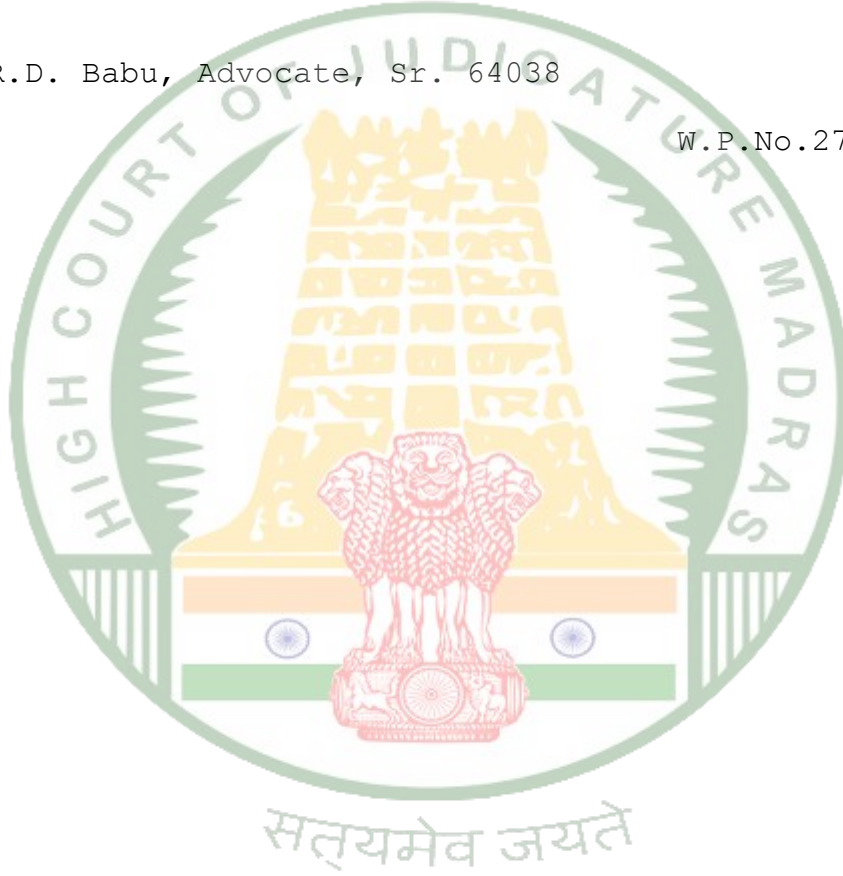
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1 cc to MR.D. Babu, Advocate, Sr. 64038

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SR (CO)  
kk 2/12



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