

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31629 of 2016

P.Aswini

.. Petitioner

Vs.

1. The Director of Public Libraries,
Devaneyapavanar Noolagam,
Thousand Lights, Anna Salai,
Chennai-600 002.

2. The District Library Officer,
Vellore-632 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent by his proceedings in Na.Ka.No.8584/A/2011, dated 16.03.2015, quash the same and consequently direct the respondents herein to appoint the petitioner on compassionate grounds as per the representation, dated 23.06.2012.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.K.Dhananjayan, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent by his proceedings in Na.Ka.No.8584/A/2011, dated 16.03.2015, quash the same and consequently direct the respondents herein to appoint the petitioner on compassionate grounds, as per the representation, dated 23.06.2012.

2. It is the case of the petitioner that her mother S.Kavitha was appointed as Voorpura Noolagar by the second respondent on 08.10.2003 on a consolidated salary of Rs.1,500/- p.m. She was promoted as Grade-III Librarian in the regular

scale of pay on 24.02.2009. On 09.10.2011, suddenly her mother got massive heart attack and died in harness. Even prior to the birth of the petitioner, her father deserted her mother and the petitioner was brought up only by her maternal grand-father, who financially and physically supported the petitioner and her mother. Even after the demise of her mother, the grand-father continued to support the petitioner by providing basic education, etc. The petitioner was studying SSLC at the time of the death of her mother and on passing SSLC examination, she sent a letter/representation, dated 23.06.2012 to the second respondent seeking to appoint her on compassionate grounds, as she has completed 18 years. The second respondent, vide communication dated 03.10.2013 in Na.Ka.No.8584/A/2011, directed the petitioner to furnish Legal Heirship Certificate from a Court of Law along with other documents in support of the petitioner's age, qualification, social status and pecuniary status of the family. After obtaining Succession Certificate from Court, she submitted application with required documents to the second respondent on 12.09.2014 seeking for appointment on compassionate grounds for the post of Grade-III Librarian. In spite of the petitioner possessing necessary qualifications for the said post, by impugned proceedings, dated 16.03.2015, the second respondent rejected the petitioner's request for appointment on compassionate grounds, on the ground that she had not completed 18 years of age as on the relevant date. Thereafter, the petitioner made an application on 20.03.2015 to the first respondent through the second respondent, after getting relaxation of two months and 22 days, which fell short for completion of her 18 years of age, as per the guidelines enunciated in first paragraph (4) of the Government Order in G.O.Ms.No.216, Labour and Welfare Department, dated 15.11.2007. The first respondent intimated her on 01.06.2015 rejecting her request, as no necessity arose for further action, in view of G.O.Ms.No.155, Labour and Employment Department, dated 10.12.2014. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. In view of the submission made by the learned counsel for the petitioner that, as on date, the petitioner has completed 18 years of age and now, she has become qualified for appointment on compassionate grounds, he seeks for necessary direction.

5. Therefore, considering the said submission, I am of the view that there is no need to quash the impugned proceedings, as the same was issued on the ground that she has not completed 18 years at the relevant point of time. However, taking note of the

fact that the petitioner has now completed the age of 18 years, this Court, in exercise of powers conferred under Article 226 of the Constitution of India, observes that the respondents, without regard to the impugned order passed on 16.03.2015, shall consider the claim of the petitioner for appointment on compassionate grounds, taking into account the penurious circumstances prevailing in the family of the deceased Government servant. Hence, taking into consideration the facts and circumstances of the case and the submissions made, this Court directs the petitioner to give a fresh representation seeking appointment to the necessary post on compassionate grounds, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such representation from her, the respondents are directed to pass appropriate orders, on merits, with compassion to appoint her to the suitable post on compassionate grounds, within a period of four weeks from the date of receipt of such representation.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director of Public Libraries,
Devaneyapavanar Noolagam,
Thousand Lights, Anna Salai,
Chennai-600 002.

2. The District Library Officer,
Vellore-632 001.

+1cc to Mr.M. Rajasekhar, Advocate, S.R.No.60518

+1cc to the Government Pleader, S.R.No.60971

rp (CO)

md (18/11/2016)

W.P.No.31629 of 2016